

1-1 By: Hegar S.B. No. 588
1-2 (In the Senate - Filed January 29, 2009; February 23, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 17, 2009, reported favorably by the following
1-5 vote: Yeas 3, Nays 0; April 17, 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. 9; 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 8304 to read as follows:

1-14 CHAPTER 8304. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8304.001. 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. 9.

1-21 Sec. 8304.002. 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. 8304.003. 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. 8304.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-29 temporary directors may not hold an election under Section 8304.003
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. 8304.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-35 (a) 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, improvement, operation,
1-41 or maintenance of macadamized, graveled, or paved roads, or
1-42 improvements, including storm drainage, in aid of those roads.

1-43 Sec. 8304.006. INITIAL DISTRICT TERRITORY. (a) The
1-44 district is initially composed of the territory described by
1-45 Section 2 of the Act creating this chapter.

1-46 (b) The boundaries and field notes contained in Section 2 of
1-47 the Act creating this chapter form a closure. A mistake made in the
1-48 field notes or in copying the field notes in the legislative process
1-49 does not affect the district's:

1-50 (1) organization, existence, or validity;

1-51 (2) right to issue any type of bond for the purposes
1-52 for which the district is created or to pay the principal of and
1-53 interest on a bond;

1-54 (3) right to impose a tax; or

1-55 (4) legality or operation.

1-56 [Sections 8304.007-8304.050 reserved for expansion]

1-57 SUBCHAPTER B. BOARD OF DIRECTORS

1-58 Sec. 8304.051. GOVERNING BODY; TERMS. (a) The district is
1-59 governed by a board of five elected directors.

1-60 (b) Except as provided by Section 8304.052, directors serve
1-61 staggered four-year terms.

1-62 Sec. 8304.052. TEMPORARY DIRECTORS. (a) On or after the
1-63 effective date of the Act creating this chapter, the owner or owners
1-64 of a majority of the assessed value of the real property in the

2-1 district may submit a petition to the Texas Commission on
 2-2 Environmental Quality requesting that the commission appoint as
 2-3 temporary directors the five persons named in the petition. The
 2-4 commission shall appoint as temporary directors the five persons
 2-5 named in the petition.

2-6 (b) Temporary directors serve until the earlier of:

2-7 (1) the date permanent directors are elected under
 2-8 Section 8304.003; 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 8304.003 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 8304.003; 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 commission requesting that the
 2-23 commission appoint as successor temporary directors the five
 2-24 persons named in the petition. The commission shall appoint as
 2-25 successor temporary directors the five persons named in the
 2-26 petition.

2-27 [Sections 8304.053-8304.100 reserved for expansion]

2-28 SUBCHAPTER C. POWERS AND DUTIES

2-29 Sec. 8304.101. 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. 8304.102. 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. 8304.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-38 52, Article III, Texas Constitution, the district may design,
 2-39 acquire, construct, finance, issue bonds for, improve, operate,
 2-40 maintain, and convey to this state, a county, or a municipality for
 2-41 operation and maintenance macadamized, graveled, or paved roads, or
 2-42 improvements, including storm drainage, in aid of those roads.

2-43 Sec. 8304.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-44 road project must meet all applicable construction standards,
 2-45 zoning and subdivision requirements, and regulations of each
 2-46 municipality in whose corporate limits or extraterritorial
 2-47 jurisdiction the road project is located.

2-48 (b) If a road project is not located in the corporate limits
 2-49 or extraterritorial jurisdiction of a municipality, the road
 2-50 project must meet all applicable construction standards,
 2-51 subdivision requirements, and regulations of each county in which
 2-52 the road project is located.

2-53 (c) If the state will maintain and operate the road, the
 2-54 Texas Transportation Commission must approve the plans and
 2-55 specifications of the road project.

2-56 Sec. 8304.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-57 OR RESOLUTION. The district shall comply with all applicable
 2-58 requirements of any ordinance or resolution that is adopted under
 2-59 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-60 creation of the district or to the inclusion of land in the
 2-61 district.

2-62 Sec. 8304.106. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-63 district may not exercise the power of eminent domain outside the
 2-64 district to acquire a site or easement for:

2-65 (1) a road project authorized by Section 8304.103; or

2-66 (2) a recreational facility as defined by Section
 2-67 49.462, Water Code.

2-68 Sec. 8304.107. DIVISION OF DISTRICT. (a) The district may
 2-69 be divided into two or more new districts only if the district:

3-1 (1) has no outstanding bonded debt; and
 3-2 (2) is not imposing ad valorem taxes.

3-3 (b) This chapter applies to any new district created by the
 3-4 division of the district, and a new district has all the powers and
 3-5 duties of the district.

3-6 (c) Any new district created by the division of the district
 3-7 may not, at the time the new district is created, contain any land
 3-8 outside the area described by Section 2 of the Act creating this
 3-9 chapter.

3-10 (d) The board, on its own motion or on receipt of a petition
 3-11 signed by the owner or owners of a majority of the assessed value of
 3-12 the real property in the district, may adopt an order dividing the
 3-13 district.

3-14 (e) The board may adopt an order dividing the district
 3-15 before or after the date the board holds an election under Section
 3-16 8304.003 to confirm the district's creation.

3-17 (f) An order dividing the district shall:

3-18 (1) name each new district;

3-19 (2) include the metes and bounds description of the
 3-20 territory of each new district;

3-21 (3) appoint temporary directors for each new district;
 3-22 and

3-23 (4) provide for the division of assets and liabilities
 3-24 between or among the new districts.

3-25 (g) On or before the 30th day after the date of adoption of
 3-26 an order dividing the district, the district shall file the order
 3-27 with the Texas Commission on Environmental Quality and record the
 3-28 order in the real property records of each county in which the
 3-29 district is located.

3-30 (h) Any new district created by the division of the district
 3-31 shall hold a confirmation and directors' election as required by
 3-32 Section 8304.003.

3-33 (i) Municipal consent to the creation of the district and to
 3-34 the inclusion of land in the district granted under Section
 3-35 8304.004 acts as municipal consent to the creation of any new
 3-36 district created by the division of the district and to the
 3-37 inclusion of land in the new district.

3-38 (j) Any new district created by the division of the district
 3-39 must hold an election as required by this chapter to obtain voter
 3-40 approval before the district may impose a maintenance tax or issue
 3-41 bonds payable wholly or partly from ad valorem taxes.

3-42 [Sections 8304.108-8304.150 reserved for expansion]

3-43 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-44 Sec. 8304.151. ELECTIONS REGARDING TAXES OR BONDS.

3-45 (a) The district may issue, without an election, bonds and other
 3-46 obligations secured by:

3-47 (1) revenue other than ad valorem taxes; or

3-48 (2) contract payments described by Section 8304.153.

3-49 (b) The district must hold an election in the manner
 3-50 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-51 before the district may impose an ad valorem tax or issue bonds
 3-52 payable from ad valorem taxes.

3-53 (c) The district may not issue bonds payable from ad valorem
 3-54 taxes to finance a road project unless the issuance is approved by a
 3-55 vote of a two-thirds majority of the district voters voting at an
 3-56 election held for that purpose.

3-57 Sec. 8304.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-58 authorized at an election held under Section 8304.151, the district
 3-59 may impose an operation and maintenance tax on taxable property in
 3-60 the district in accordance with Section 49.107, Water Code.

3-61 (b) The board shall determine the tax rate. The rate may not
 3-62 exceed the rate approved at the election.

3-63 Sec. 8304.153. CONTRACT TAXES. (a) In accordance with
 3-64 Section 49.108, Water Code, the district may impose a tax other than
 3-65 an operation and maintenance tax and use the revenue derived from
 3-66 the tax to make payments under a contract after the provisions of
 3-67 the contract have been approved by a majority of the district voters
 3-68 voting at an election held for that purpose.

3-69 (b) A contract approved by the district voters may contain a

4-1 provision stating that the contract may be modified or amended by
 4-2 the board without further voter approval.

4-3 [Sections 8304.154-8304.200 reserved for expansion]

4-4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-5 Sec. 8304.201. AUTHORITY TO ISSUE BONDS AND OTHER
 4-6 OBLIGATIONS. The district may issue bonds or other obligations
 4-7 payable wholly or partly from ad valorem taxes, impact fees,
 4-8 revenue, contract payments, grants, or other district money, or any
 4-9 combination of those sources, to pay for any authorized district
 4-10 purpose.

4-11 Sec. 8304.202. TAXES FOR BONDS. At the time the district
 4-12 issues bonds payable wholly or partly from ad valorem taxes, the
 4-13 board shall provide for the annual imposition of a continuing
 4-14 direct ad valorem tax, without limit as to rate or amount, while all
 4-15 or part of the bonds are outstanding as required and in the manner
 4-16 provided by Sections 54.601 and 54.602, Water Code.

4-17 Sec. 8304.203. BONDS FOR ROAD PROJECTS. At the time of
 4-18 issuance, the total principal amount of bonds or other obligations
 4-19 issued or incurred to finance road projects and payable from ad
 4-20 valorem taxes may not exceed one-fourth of the assessed value of the
 4-21 real property in the district.

4-22 SECTION 2. The Waller County Municipal Utility District No.
 4-23 9 initially includes all the territory contained in the following
 4-24 area:

4-25 BEING a 883.8 acre tract of land situated in the Fred Eule Survey,
 4-26 Section 114, Abstract No. 374 and the H.&T.C. R.R. Co. Survey,
 4-27 Section 111, Abstract No. 172 of Waller County, Texas and being all
 4-28 of a called 562.636 acre tract of land conveyed to Katy 884 Partner,
 4-29 Ltd. as recorded in Volume 1077, Page 592 of the Waller County Deed
 4-30 Records (W.C.D.R.), all of a called 106.590 acre tract of land
 4-31 conveyed to Katy 884 Partner, Ltd. as recorded in Volume 1077, Page
 4-32 685 W.C.D.R., all of a called 107.332 acre tract of land conveyed to
 4-33 Katy 884 Partner, Ltd. as recorded in Volume 1077, Page 675 W.C.D.R.
 4-34 and all of a called 107.257 acre tract of land conveyed to Katy 884
 4-35 Partner, Ltd. as recorded in Volume 1077, Page 608 W.C.D.R., said
 4-36 883.8 acres described as follows:

4-37 BEGINNING at a point for the southwest corner of said 562.636 acre
 4-38 tract, the northwest corner of a called 0.9738 acre tract as
 4-39 recorded in Volume 686, Page 15 W.C.D.R., lying in the east
 4-40 right-of-way line of F.M. 2855 (100 feet wide), lying in the south
 4-41 line of said Fred Eule Survey, Sect. 114, A-374 and the north line
 4-42 of said and the H.&T.C. R.R. Co. Survey, Sect. 111, A-172, also
 4-43 being the most westerly southwest corner of the herein described
 4-44 tract and lying in the centerline of Beckendorf Road (unimproved);
 4-45 THENCE, with the east right-of-way line of said F.M. 2855 and the
 4-46 west line of said 562.636 acre tract the following courses and
 4-47 distances

4-48 N 02°05'10" W, 1507.93 feet to a point for a corner of the
 4-49 herein described tract;

4-50 N 01°13'56" W, 331.24 feet to a point for a corner of the
 4-51 herein described tract;

4-52 N 00°21'14" W, 213.88 feet to a point for a corner of the
 4-53 herein described tract;

4-54 N 00°41'02" W, 348.01 feet to a point for a corner of the
 4-55 herein described tract;

4-56 N 02°19'54" W, 251.32 feet to a point for a corner of the
 4-57 herein described tract;

4-58 N 02°49'45" W, 451.99 feet to a point for a corner of the
 4-59 herein described tract;

4-60 N 04°12'11" W, 104.06 feet to a point for a corner of the
 4-61 herein described tract;

4-62 N 03°27'43" W, 447.87 feet to a point for a corner of the
 4-63 herein described tract;

4-64 N 02°05'22" W, 384.85 feet to a point for the southwest corner
 4-65 of a called 8.603 acre tract as recorded in Volume 583, Page
 4-66 225 W.C.D.R.;

4-67 THENCE N 87°41'09" E, 436.33 feet with the south line of said 8.603
 4-68 acre tract to a point for the southeast corner of said 8.603 acre
 4-69 tract and an interior corner of said 562.636 acre tract;

5-1 THENCE N 01°57'59" W, 1177.95 feet with the east line of said 8.603
5-2 acre tract and the east line of a called 11.76 acre tract as
5-3 recorded in Volume 432, Page 449 W.C.D.R. to a point for the
5-4 northeast corner of said 11.76 acre tract and the common most
5-5 northwesterly corner of said 562.636 and the herein described
5-6 tract, also lying in the south right-of-way line of F.M. 529 (120
5-7 feet wide);
5-8 THENCE N 87°58'24" E, 469.07 feet with the north line of said 562.636
5-9 acre tract and the south right-of-way line of said F.M. 529 to a
5-10 point for the northwest corner of a called 20.000 acre tract as
5-11 recorded in Volume 917, Page 270 W.C.D.R.;
5-12 THENCE S 02°00'00" E, 1181.11 feet with the west line of said 20.000
5-13 acre tract to a point for the southwest corner of said 20.000 acre
5-14 tract and an interior corner of the herein described tract;
5-15 THENCE N 88°00'36" E, 1922.94 feet with the south line of said 20.000
5-16 acre tract, a called 7.408 acre tract as recorded in Volume 954,
5-17 Page 389 W.C.D.R., a called 13.695 acre tract as recorded in Volume
5-18 931, Page 404 W.C.D.R. and a second called 13.695 acre tract as
5-19 recorded in Volume 779, Page 874 W.C.D.R. to a point for the
5-20 southeast corner of the second mentioned 13.695 acre tract;
5-21 THENCE N 02°00'00" W, 1181.11 feet with the east line of the second
5-22 mentioned 13.695 acre tract to a point for the northeast corner of
5-23 the second mentioned 13.695 acre tract and lying in the south
5-24 right-of-way line of said F.M. 529;
5-25 THENCE N 88°02'44" E, 2394.91 feet with the north line of said
5-26 562.636 acre tract and the south right-of-way line of said F.M. 529
5-27 to a point for the northwest corner of a called 160 acre tract as
5-28 recorded in Volume 788, Page 891 W.C.D.R., lying in the east line of
5-29 said Fred Eule Survey, Sec. 114, A-374, lying in the west line of
5-30 said H.&T.C. R.R. Co. Survey, Sect. 119, A-200 and being the common
5-31 northeast corner of said 562.636 acre tract and the herein
5-32 described tract;
5-33 THENCE S 02°15'31" E, 5222.03 feet with the east line of said 562.636
5-34 acre tract, the west line of said 160 acre tract and a second called
5-35 160 acre tract as recorded in Volume 995, Page 457 W.C.D.R. and
5-36 being the common line of said Fred Eule Survey, Sect. 114, A-374 and
5-37 H.&T.C. R.R. Co. Survey, Sect. 119, A-200 to a point for the common
5-38 northwest corner of a called 15.000 acre tract as recorded in Volume
5-39 387, Page 62 W.C.D.R. and Fred Eule Survey, Sect. 120, A-375, the
5-40 common northeast corner of said 107.257 acre tract and said H.&T.C.
5-41 R.R. Co. Survey, Sect. 111, A-172 and lying in the centerline of
5-42 said Beckendorf Road;
5-43 THENCE S 02°04'50" E, 5271.15 feet with the common east line of said
5-44 107.257 acre tract and said H.&T.C. R.R. Co. Survey, Sect. 111,
5-45 A-172, the west line of said Fred Eule Survey, Section 120, Abstract
5-46 No. 375 to a point for the southwest corner of a called 53.83 acre
5-47 tract as recorded in Volume 474, Page 314 W.C.D.R., lying in the
5-48 south line of said Fred Eule Survey, Sect. 120, A-375, lying in the
5-49 common north line of the H.&T.C. R.R. Co. Survey, Sect. 121, A-201
5-50 and a called 281.50 acre tract as recorded in Volume 420, Page 766
5-51 W.C.D.R., also being the common southeast corner of said H.&T.C.
5-52 R.R. Co. Survey, Sect. 111, A-172 and the herein described tract;
5-53 THENCE S 87°53'22" W, 2655.75 feet with the south line of said
5-54 H.&T.C. R.R. Co. Survey, Sect. 111, A-172, said 107.257 acre tract,
5-55 said 107.332 acre tract, said 106.590 acre tract, the north line of
5-56 said H.&T.C. R.R. Co. Survey, Sec. 121, A-No. 201 and the Fred Eule
5-57 Survey, Sect. 112, A-373 to a point for the southeast corner of a
5-58 called 5.0 acre tract as recorded in Volume 287, Page 806 W.C.D.R.,
5-59 the southwest corner of said 106.590 acre tract and the most
5-60 southerly southwest corner of the herein described tract;
5-61 THENCE N 01°59'57" W, 5279.82 feet with the west line of said 106.590
5-62 acre tract to a point for the northeast corner of a called 15 acre
5-63 tract as recorded in Volume 226, Page 16 W.C.D.R., the northwest
5-64 corner of said 106.590 acre tract and lying in the north line of
5-65 said H.&T.C. R.R. Co. Survey, Sec. 111, A-No. 172 and the common
5-66 south line of said Fred Eule Survey, Sect. 114, A-374 and said
5-67 562.636 acre tract also being the centerline of said Beckendorf
5-68 Road;
5-69 THENCE S 87°59'15" W, 2591.53 feet with the common south line of said

6-1 Fred Eule Survey, Sect. 114, A-374 and said 562.636 acre tract, the
6-2 north line of said H.&T.C. R.R. Co. Survey, Sect. 111, A-172 and the
6-3 centerline of said Beckendorf Road to the POINT OF BEGINNING and
6-4 containing 883.8 acres of land.

6-5 SECTION 3. (a) The legal notice of the intention to
6-6 introduce this Act, setting forth the general substance of this
6-7 Act, has been published as provided by law, and the notice and a
6-8 copy of this Act have been furnished to all persons, agencies,
6-9 officials, or entities to which they are required to be furnished
6-10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-11 Government Code.

6-12 (b) The governor, one of the required recipients, has
6-13 submitted the notice and Act to the Texas Commission on
6-14 Environmental Quality.

6-15 (c) The Texas Commission on Environmental Quality has filed
6-16 its recommendations relating to this Act with the governor, the
6-17 lieutenant governor, and the speaker of the house of
6-18 representatives within the required time.

6-19 (d) All requirements of the constitution and laws of this
6-20 state and the rules and procedures of the legislature with respect
6-21 to the notice, introduction, and passage of this Act are fulfilled
6-22 and accomplished.

6-23 SECTION 4. This Act takes effect immediately if it receives
6-24 a vote of two-thirds of all the members elected to each house, as
6-25 provided by Section 39, Article III, Texas Constitution. If this
6-26 Act does not receive the vote necessary for immediate effect, this
6-27 Act takes effect September 1, 2009.

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