

By: Hegar

S.B. No. 880

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Fort Bend County Municipal Utility
3 District No. 200; providing authority to impose a tax and issue
4 bonds; granting a limited power of eminent domain.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8337 to read as follows:

8 CHAPTER 8337. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 200

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8337.001. DEFINITIONS. In this chapter:

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

12 (2) "Director" means a board member.

13 (3) "District" means the Fort Bend County Municipal
14 Utility District No. 200.

15 Sec. 8337.002. NATURE OF DISTRICT. The district is a
16 municipal utility district created under Section 59, Article XVI,
17 Texas Constitution.

18 Sec. 8337.003. CONFIRMATION AND DIRECTORS' ELECTION
19 REQUIRED. The temporary directors shall hold an election to
20 confirm the creation of the district and to elect five permanent
21 directors as provided by Section 49.102, Water Code.

22 Sec. 8337.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

23 (a) The district is created to serve a public purpose and benefit.

24 (b) The district is created to accomplish the purposes of:

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

3 (2) Section 52, Article III, Texas Constitution, that
4 relate to the construction, acquisition, or improvement of
5 macadamized, graveled, or paved roads described by Section 54.234,
6 Water Code, or improvements, including storm drainage, in aid of
7 those roads.

8 Sec. 8337.005. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

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

15 (1) organization, existence, or validity;

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

19 (3) right to impose a tax; or

20 (4) legality or operation.

21 [Sections 8337.006-8337.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8337.051. GOVERNING BODY; TERMS. (a) The district is
24 governed by a board of five elected directors.

25 (b) Except as provided by Section 8337.052, directors serve
26 staggered four-year terms.

27 Sec. 8337.052. TEMPORARY DIRECTORS. (a) The temporary

1 board consists of:

2 (1) Alan Lee;

3 (2) U. L. Edwards;

4 (3) Danny Wilbanks;

5 (4) Jim Taylor; and

6 (5) John West.

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

8 (1) the date permanent directors are elected under
9 Section 8337.003; or

10 (2) the fourth anniversary of the effective date of
11 the Act creating this chapter.

12 (c) If permanent directors have not been elected under
13 Section 8337.003 and the terms of the temporary directors have
14 expired, successor temporary directors shall be appointed or
15 reappointed as provided by Subsection (d) to serve terms that
16 expire on the earlier of:

17 (1) the date permanent directors are elected under
18 Section 8337.003; or

19 (2) the fourth anniversary of the date of the
20 appointment or reappointment.

21 (d) If Subsection (c) applies, the owner or owners of a
22 majority of the assessed value of the real property in the district
23 may submit a petition to the Texas Commission on Environmental
24 Quality requesting that the commission appoint as successor
25 temporary directors the five persons named in the petition. The
26 commission shall appoint as successor temporary directors the five
27 persons named in the petition.

1 [Sections 8337.053-8337.100 reserved for expansion]

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 8337.101. GENERAL POWERS AND DUTIES. The district has
4 the powers and duties necessary to accomplish the purposes for
5 which the district is created.

6 Sec. 8337.102. MUNICIPAL UTILITY DISTRICT POWERS AND
7 DUTIES. The district has the powers and duties provided by the
8 general law of this state, including Chapters 49 and 54, Water Code,
9 applicable to municipal utility districts created under Section 59,
10 Article XVI, Texas Constitution.

11 Sec. 8337.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
12 Section 52, Article III, Texas Constitution, the district may
13 design, acquire, construct, finance, issue bonds for, improve, and
14 convey to this state, a county, or a municipality for operation and
15 maintenance macadamized, graveled, or paved roads described by
16 Section 54.234, Water Code, or improvements, including storm
17 drainage, in aid of those roads.

18 (b) The district may exercise the powers provided by this
19 section without submitting a petition to or obtaining approval from
20 the Texas Commission on Environmental Quality as required by
21 Section 54.234, Water Code.

22 Sec. 8337.104. APPROVAL OF ROAD PROJECT. (a) The district
23 may not undertake a road project authorized by Section 8337.103
24 unless:

25 (1) each municipality or county that will operate and
26 maintain the road has approved the plans and specifications of the
27 road project, if a municipality or county will operate and maintain

1 the road; or

2 (2) the Texas Transportation Commission has approved
3 the plans and specifications of the road project, if the state will
4 operate and maintain the road.

5 (b) Except as provided by Subsection (a), the district is
6 not required to obtain approval from the Texas Transportation
7 Commission to design, acquire, construct, finance, issue bonds for,
8 improve, or convey a road project.

9 Sec. 8337.105. LIMITATION ON USE OF EMINENT DOMAIN. The
10 district may not exercise the power of eminent domain outside the
11 district to acquire a site or easement for:

12 (1) a road project authorized by Section 8337.103; or

13 (2) a recreational facility as defined by Section
14 49.462, Water Code.

15 [Sections 8337.106-8337.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8337.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

21 (2) contract payments described by Section 8337.153.

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

26 (c) The district may not issue bonds payable from ad valorem
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 8337.152. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 8337.151, the district
5 may impose an operation and maintenance tax on taxable property in
6 the district in accordance with Section 49.107, Water Code.

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

9 Sec. 8337.153. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

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

18 [Sections 8337.154-8337.200 reserved for expansion]

19 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

20 Sec. 8337.201. AUTHORITY TO ISSUE BONDS AND OTHER
21 OBLIGATIONS. The district may issue bonds or other obligations
22 payable wholly or partly from ad valorem taxes, impact fees,
23 revenue, contract payments, grants, or other district money, or any
24 combination of those sources, to pay for any authorized district
25 purpose.

26 Sec. 8337.202. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing
2 direct ad valorem tax, without limit as to rate or amount, while all
3 or part of the bonds are outstanding as required and in the manner
4 provided by Sections 54.601 and 54.602, Water Code.

5 Sec. 8337.203. BONDS FOR ROAD PROJECTS. At the time of
6 issuance, the total principal amount of bonds or other obligations
7 issued or incurred to finance road projects and payable from ad
8 valorem taxes may not exceed one-fourth of the assessed value of the
9 real property in the district.

10 SECTION 2. The Fort Bend County Municipal Utility District
11 No. 200 initially includes all the territory contained in the
12 following area:

13 FIELD NOTES FOR A 65.877 ACRE TRACT OF LAND IN THE WILLIAM
14 ANDREWS LEAGUE, ABSTRACT 3, AND THE JOHN FOSTER 2-1/2 LEAGUE GRANT,
15 ABSTRACT 26, FORT BEND COUNTY, TEXAS, SAID 65.877 ACRE TRACT BEING
16 COMPRISED OF THAT CERTAIN CALLED 7.00 ACRE TRACT RECORDED IN VOLUME
17 1722, PAGE 589, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT
18 CERTAIN CALLED 28.00 ACRE TRACT RECORDED IN VOLUME 1722, PAGE 574,
19 OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED
20 26.00 ACRE TRACT RECORDED IN VOLUME 2375, PAGE 1438, OFFICIAL
21 RECORDS, FORT BEND COUNTY, TEXAS, AND THAT CERTAIN CALLED 5.00 ACRE
22 TRACT RECORDED IN VOLUME 1543, PAGE 848, OFFICIAL RECORDS, FORT
23 BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS
24 COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS
25 OBSERVATIONS OF FORT BEND COUNTY MONUMENT NUMBER FB08.

26 BEGINNING at a 1/2 inch iron pipe with cap marked "Kalkomey
27 Surveying" found in the north right-of-way line of F. M. Highway 359

1 (100-foot wide) for the southeast corner of said called 28.00 acre
2 tract, same being the southwest corner of an adjoining called
3 4.5256 acre tract recorded under County Clerk's File Number
4 1999005944, Official Public Records, Fort Bend County, Texas, for
5 the lower southeast corner and Place of Beginning of the herein
6 described tract, said point bears North 69 degrees 07 minutes 59
7 seconds West, 658.65 feet (called North 66 degrees 53 minutes 39
8 seconds West, 658.51 feet) from a concrete monument found at the
9 intersection of the north right-of-way line of F. M. Highway 359
10 with the west right-of-way line of F. M. Highway 723 (100-foot
11 wide);

12 THENCE North 69 degrees 06 minutes 58 seconds West (called
13 North 66 degrees 53 minutes 39 seconds West) along the south line of
14 the herein described tract and the south line of said called 28.00
15 acre tract, same being the north right-of-way line of F. M. Highway
16 359, 672.77 feet (called 672.80 feet) to a 1/2 inch iron pipe found
17 on said line for angle point, being the southwest corner of said
18 called 28.00 acre tract, same being the southeast corner of the
19 aforementioned called 26.00 acre tract;

20 THENCE North 68 degrees 55 minutes 26 seconds West (called
21 North 66 degrees 53 minutes 39 seconds West) along the south line of
22 the herein described tract, the south line of said called 26.00 acre
23 tract, and the south line of the aforementioned called 5.00 acre
24 tract, same being the north right-of-way line of F. M. Highway 359,
25 668.02 feet to a concrete monument found at the beginning of a curve
26 to the left;

27 THENCE along said curve to the left having a central angle of

1 02 degrees 16 minutes 15 seconds, a radius of 3,870.00 feet, an arc
2 length of 153.37 feet, and a chord bearing North 69 degrees 55
3 minutes 17 seconds West, 153.36 feet to a point on said curve for
4 the southwest corner of the herein described tract and the
5 southwest corner of said called 5.00 acre tract, same being the
6 southeast corner of an adjoining called 10.228 acre tract recorded
7 in Volume 2584, Page 467, Official Records, Fort Bend County,
8 Texas;

9 THENCE North 02 degrees 03 minutes 09 seconds West (adjoiner
10 called North 00 degrees 17 minutes 10 seconds West) along the west
11 line of the herein described tract and the west line of said called
12 5.00 acre tract, same being the east line of said adjoining called
13 10.228 acre tract, at 0.35 feet pass a 1/2 inch iron pipe found in
14 concrete on said line, and continuing for a total distance of 462.83
15 feet (adjoiner called 462.4 feet) to an axle found on said line for
16 angle point;

17 THENCE North 02 degrees 17 minutes 04 seconds West (adjoiner
18 called North) continuing along the west line of the herein
19 described tract and the west line of said called 5.00 acre tract,
20 and along the west line of the aforementioned called 26.00 acre
21 tract, same being the east line of said adjoining called 10.228 acre
22 tract, at 327.68 feet pass a 1/2 inch iron pipe found 2.95 feet left
23 of said line, and continuing for a total distance of 512.48 feet
24 (adjoiner called 512.70 feet) to a 1-1/4 inch iron pipe found on
25 said line for angle point, said point being the northeast corner of
26 said adjoining called 10.228 acre tract, same being the southeast
27 corner of an adjoining called 112.617 acre tract recorded in Volume

1 759, Page 180, Deed Records, Fort Bend County, Texas;

2 THENCE North 02 degrees 23 minutes 34 seconds West (adjoiner
3 called North) along the west line of the herein described tract and
4 the west line of said called 26.00 acre tract, same being the east
5 line of said adjoining called 112.617 acre tract, at 565.00 feet
6 pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set
7 on said line for reference, and continuing for a total distance of
8 785.90 feet (adjoiner called 760 feet) to a point on the centerline
9 of Jones Creek for the northwest corner of the herein described
10 tract and the northwest corner of said called 26.00 acre tract, same
11 being the northeast corner of said adjoining called 112.617 acre
12 tract, the southeast corner of an adjoining called 64.28 acre tract
13 recorded under Probate File Number 16,393, Probate Records, Fort
14 Bend County, Texas, described in Volume 203, Page 392, Deed
15 Records, Fort Bend County, Texas, and the southwest corner of an
16 adjoining called 26.2992 acre tract recorded under County Clerk's
17 File Number 2004151301, Official Public Records, Fort Bend County,
18 Texas;

19 THENCE along the centerline of Jones Creek, being the common
20 line of the herein described tract and said adjoining called
21 26.2992 acre tract, with the following meanders:

22 South 64 degrees 31 minutes 36 seconds East, 280.44
23 feet;

24 South 76 degrees 15 minutes 19 seconds East, 149.11
25 feet;

26 North 88 degrees 53 minutes 35 seconds East, 340.35
27 feet;

1 South 81 degrees 11 minutes 21 seconds East, 613.46
2 feet;

3 South 75 degrees 31 minutes 44 seconds East, 38.64 feet
4 to a point for the upper northeast corner of the herein described
5 tract and the northeast corner of the aforementioned called 28.00
6 acre tract, same being the northwest corner of an adjoining called
7 6.00 acre tract recorded under Probate File Number 15,316, Probate
8 Records, Fort Bend County, Texas, described in Volume 1291, Page
9 289, Official Records, Fort Bend County, Texas;

10 THENCE South 02 degrees 23 minutes 02 seconds East (adjoiner
11 called South 00 degrees 09 minutes 07 seconds East) along the common
12 line of the herein described tract and said adjoining called 6.00
13 acre tract, at 170.05 feet pass a 1/2 inch iron pipe found on said
14 line for reference, and continuing for a total distance of 431.86
15 feet (adjoiner called 431.93 feet) to a 1/2 inch iron pipe found for
16 a reentry corner to the herein described tract, same being the
17 southwest corner of said adjoining called 6.00 acre tract, and
18 being the northwest corner of the aforementioned called 7.00 acre
19 tract;

20 THENCE South 76 degrees 29 minutes 28 seconds East (called
21 South 74 degrees 17 minutes 23 seconds East) continuing along said
22 common line, 632.36 feet (called 632.52 feet) to a 1/2 inch iron
23 pipe found in the west right-of-way line of F. M. Highway 723 for
24 the lower northeast corner of the herein described tract and the
25 northeast corner of said called 7.00 acre tract, same being the
26 southeast corner of said adjoining called 6.00 acre tract;

27 THENCE South 02 degrees 16 minutes 54 seconds East (called

1 South 00 degrees 02 minutes 09 seconds East) along the most easterly
2 east line of the herein described tract and the east line of said
3 called 7.00 acre tract, same being the west right-of-way line of F.
4 M. Highway 723, 543.27 feet (called 543.35 feet) to a 1/2 inch iron
5 pipe found for the upper southeast corner of the herein described
6 tract and the southeast corner of said called 7.00 acre tract, same
7 being the northeast corner of an adjoining called 5.236 acre tract
8 recorded under County Clerk's File Number 2006017382, Official
9 Public Records, Fort Bend County, Texas;

10 THENCE North 69 degrees 21 minutes 26 seconds West (called
11 North 67 degrees 14 minutes 09 seconds West) along the common line
12 of the herein described tract and said adjoining called 5.236 acre
13 tract, 659.41 feet (called 659.37 feet) to a 1/2 inch iron pipe with
14 cap marked "Kalkomey Surveying" found for a reentry corner to the
15 herein described tract, being the southwest corner of said called
16 7.00 acre tract, same being the northwest corner of said adjoining
17 called 5.236 acre tract, and being in the east line of the
18 aforementioned called 28.00 acre tract;

19 THENCE South 02 degrees 16 minutes 32 seconds East (adjoiner
20 called South 00 degrees 09 minutes 07 seconds East) continuing
21 along said common line, 377.92 feet (adjoiner called 377.90 feet)
22 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found
23 on said line for angle point, said point being the upper southwest
24 corner of said adjoining called 5.236 acre tract, same being the
25 northwest corner of the aforementioned adjoining called 4.5256 acre
26 tract;

27 THENCE South 02 degrees 19 minutes 53 seconds East (adjoiner

1 called South 00 degrees 09 minutes 07 seconds East) along the lower
2 east line of the herein described tract and the east line of said
3 called 28.00 acre tract, same being the west line of said adjoining
4 called 4.5256 acre tract, at 341.30 feet pass a 1/2 inch iron pipe
5 found on said line, and continuing for a total distance of 772.86
6 feet (adjoiner called 771.90 feet) to the Place of Beginning and
7 containing 65.877 acres of land, more or less.

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

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

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

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2009.