

1-1 By: Hegar S.B. No. 880
1-2 (In the Senate - Filed February 17, 2009; March 9, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; May 7, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 7, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 880 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Fort Bend County Municipal Utility
1-11 District No. 200; providing authority to impose a tax and issue
1-12 bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8337 to read as follows:

1-16 CHAPTER 8337. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 200
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8337.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Fort Bend County Municipal
1-22 Utility District No. 200.

1-23 Sec. 8337.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district created under Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 8337.003. CONFIRMATION AND DIRECTORS' ELECTION
1-27 REQUIRED. The temporary directors shall hold an election to
1-28 confirm the creation of the district and to elect five permanent
1-29 directors as provided by Section 49.102, Water Code.

1-30 Sec. 8337.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-31 (a) The district is created to serve a public purpose and benefit.

1-32 (b) The district is created to accomplish the purposes of:

1-33 (1) a municipal utility district as provided by
1-34 general law and Section 59, Article XVI, Texas Constitution; and

1-35 (2) Section 52, Article III, Texas Constitution, that
1-36 relate to the construction, acquisition, or improvement of
1-37 macadamized, graveled, or paved roads described by Section 54.234,
1-38 Water Code, or improvements, including storm drainage, in aid of
1-39 those roads.

1-40 Sec. 8337.005. INITIAL DISTRICT TERRITORY. (a) The
1-41 district is initially composed of the territory described by
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of
1-44 the Act creating this chapter form a closure. A mistake made in the
1-45 field notes or in copying the field notes in the legislative process
1-46 does not affect the district's:

1-47 (1) organization, existence, or validity;

1-48 (2) right to issue any type of bond for the purposes
1-49 for which the district is created or to pay the principal of and
1-50 interest on a bond;

1-51 (3) right to impose a tax; or

1-52 (4) legality or operation.

1-53 [Sections 8337.006-8337.050 reserved for expansion]

1-54 SUBCHAPTER B. BOARD OF DIRECTORS

1-55 Sec. 8337.051. GOVERNING BODY; TERMS. (a) The district is
1-56 governed by a board of five elected directors.

1-57 (b) Except as provided by Section 8337.052, directors serve
1-58 staggered four-year terms.

1-59 Sec. 8337.052. TEMPORARY DIRECTORS. (a) The temporary
1-60 board consists of:

1-61 (1) Alan Lee;

1-62 (2) U. L. Edwards;

1-63 (3) Danny Wilbanks;

2-1 (4) Jim Taylor; and
 2-2 (5) John West.
 2-3 (b) Temporary directors serve until the earlier of:
 2-4 (1) the date permanent directors are elected under
 2-5 Section 8337.003; or
 2-6 (2) the fourth anniversary of the effective date of
 2-7 the Act creating this chapter.
 2-8 (c) If permanent directors have not been elected under
 2-9 Section 8337.003 and the terms of the temporary directors have
 2-10 expired, successor temporary directors shall be appointed or
 2-11 reappointed as provided by Subsection (d) to serve terms that
 2-12 expire on the earlier of:
 2-13 (1) the date permanent directors are elected under
 2-14 Section 8337.003; or
 2-15 (2) the fourth anniversary of the date of the
 2-16 appointment or reappointment.
 2-17 (d) If Subsection (c) applies, the owner or owners of a
 2-18 majority of the assessed value of the real property in the district
 2-19 may submit a petition to the Texas Commission on Environmental
 2-20 Quality requesting that the commission appoint as successor
 2-21 temporary directors the five persons named in the petition. The
 2-22 commission shall appoint as successor temporary directors the five
 2-23 persons named in the petition.
 2-24 [Sections 8337.053-8337.100 reserved for expansion]
 2-25 SUBCHAPTER C. POWERS AND DUTIES
 2-26 Sec. 8337.101. GENERAL POWERS AND DUTIES. The district has
 2-27 the powers and duties necessary to accomplish the purposes for
 2-28 which the district is created.
 2-29 Sec. 8337.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-30 DUTIES. The district has the powers and duties provided by the
 2-31 general law of this state, including Chapters 49 and 54, Water Code,
 2-32 applicable to municipal utility districts created under Section 59,
 2-33 Article XVI, Texas Constitution.
 2-34 Sec. 8337.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
 2-35 Section 52, Article III, Texas Constitution, the district may
 2-36 design, acquire, construct, finance, issue bonds for, improve, and
 2-37 convey to this state, a county, or a municipality for operation and
 2-38 maintenance macadamized, graveled, or paved roads described by
 2-39 Section 54.234, Water Code, or improvements, including storm
 2-40 drainage, in aid of those roads.
 2-41 (b) The district may exercise the powers provided by this
 2-42 section without submitting a petition to or obtaining approval from
 2-43 the Texas Commission on Environmental Quality as required by
 2-44 Section 54.234, Water Code.
 2-45 Sec. 8337.104. APPROVAL OF ROAD PROJECT. (a) The district
 2-46 may not undertake a road project authorized by Section 8337.103
 2-47 unless:
 2-48 (1) each municipality or county that will operate and
 2-49 maintain the road has approved the plans and specifications of the
 2-50 road project, if a municipality or county will operate and maintain
 2-51 the road; or
 2-52 (2) the Texas Transportation Commission has approved
 2-53 the plans and specifications of the road project, if the state will
 2-54 operate and maintain the road.
 2-55 (b) Except as provided by Subsection (a), the district is
 2-56 not required to obtain approval from the Texas Transportation
 2-57 Commission to design, acquire, construct, finance, issue bonds for,
 2-58 improve, or convey a road project.
 2-59 Sec. 8337.105. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-60 district may not exercise the power of eminent domain outside the
 2-61 district to acquire a site or easement for:
 2-62 (1) a road project authorized by Section 8337.103; or
 2-63 (2) a recreational facility as defined by Section
 2-64 49.462, Water Code.
 2-65 [Sections 8337.106-8337.150 reserved for expansion]
 2-66 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 2-67 Sec. 8337.151. ELECTIONS REGARDING TAXES OR BONDS.
 2-68 (a) The district may issue, without an election, bonds and other
 2-69 obligations secured by:

3-1 (1) revenue other than ad valorem taxes; or
3-2 (2) contract payments described by Section 8337.153.

3-3 (b) The district must hold an election in the manner
3-4 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-5 before the district may impose an ad valorem tax or issue bonds
3-6 payable from ad valorem taxes.

3-7 (c) The district may not issue bonds payable from ad valorem
3-8 taxes to finance a road project unless the issuance is approved by a
3-9 vote of a two-thirds majority of the district voters voting at an
3-10 election held for that purpose.

3-11 Sec. 8337.152. OPERATION AND MAINTENANCE TAX. (a) If
3-12 authorized at an election held under Section 8337.151, the district
3-13 may impose an operation and maintenance tax on taxable property in
3-14 the district in accordance with Section 49.107, Water Code.

3-15 (b) The board shall determine the tax rate. The rate may not
3-16 exceed the rate approved at the election.

3-17 Sec. 8337.153. CONTRACT TAXES. (a) In accordance with
3-18 Section 49.108, Water Code, the district may impose a tax other than
3-19 an operation and maintenance tax and use the revenue derived from
3-20 the tax to make payments under a contract after the provisions of
3-21 the contract have been approved by a majority of the district voters
3-22 voting at an election held for that purpose.

3-23 (b) A contract approved by the district voters may contain a
3-24 provision stating that the contract may be modified or amended by
3-25 the board without further voter approval.

3-26 [Sections 8337.154-8337.200 reserved for expansion]

3-27 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-28 Sec. 8337.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-29 OBLIGATIONS. The district may issue bonds or other obligations
3-30 payable wholly or partly from ad valorem taxes, impact fees,
3-31 revenue, contract payments, grants, or other district money, or any
3-32 combination of those sources, to pay for any authorized district
3-33 purpose.

3-34 Sec. 8337.202. TAXES FOR BONDS. At the time the district
3-35 issues bonds payable wholly or partly from ad valorem taxes, the
3-36 board shall provide for the annual imposition of a continuing
3-37 direct ad valorem tax, without limit as to rate or amount, while all
3-38 or part of the bonds are outstanding as required and in the manner
3-39 provided by Sections 54.601 and 54.602, Water Code.

3-40 Sec. 8337.203. BONDS FOR ROAD PROJECTS. At the time of
3-41 issuance, the total principal amount of bonds or other obligations
3-42 issued or incurred to finance road projects and payable from ad
3-43 valorem taxes may not exceed one-fourth of the assessed value of the
3-44 real property in the district.

3-45 SECTION 2. The Fort Bend County Municipal Utility District
3-46 No. 200 initially includes all the territory contained in the
3-47 following area:

3-48 FIELD NOTES FOR A 65.877 ACRE TRACT OF LAND IN THE WILLIAM
3-49 ANDREWS LEAGUE, ABSTRACT 3, AND THE JOHN FOSTER 2-1/2 LEAGUE GRANT,
3-50 ABSTRACT 26, FORT BEND COUNTY, TEXAS, SAID 65.877 ACRE TRACT BEING
3-51 COMPRISED OF THAT CERTAIN CALLED 7.00 ACRE TRACT RECORDED IN VOLUME
3-52 1722, PAGE 589, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT
3-53 CERTAIN CALLED 28.00 ACRE TRACT RECORDED IN VOLUME 1722, PAGE 574,
3-54 OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED
3-55 26.00 ACRE TRACT RECORDED IN VOLUME 2375, PAGE 1438, OFFICIAL
3-56 RECORDS, FORT BEND COUNTY, TEXAS, AND THAT CERTAIN CALLED 5.00 ACRE
3-57 TRACT RECORDED IN VOLUME 1543, PAGE 848, OFFICIAL RECORDS, FORT
3-58 BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS
3-59 COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS
3-60 OBSERVATIONS OF FORT BEND COUNTY MONUMENT NUMBER FB08.

3-61 BEGINNING at a 1/2 inch iron pipe with cap marked "Kalkomey
3-62 Surveying" found in the north right-of-way line of F. M. Highway 359
3-63 (100-foot wide) for the southeast corner of said called 28.00 acre
3-64 tract, same being the southwest corner of an adjoining called
3-65 4.5256 acre tract recorded under County Clerk's File Number
3-66 1999005944, Official Public Records, Fort Bend County, Texas, for
3-67 the lower southeast corner and Place of Beginning of the herein
3-68 described tract, said point bears North 69 degrees 07 minutes 59
3-69 seconds West, 658.65 feet (called North 66 degrees 53 minutes 39

4-1 seconds West, 658.51 feet) from a concrete monument found at the
 4-2 intersection of the north right-of-way line of F. M. Highway 359
 4-3 with the west right-of-way line of F. M. Highway 723 (100-feet
 4-4 wide);

4-5 THENCE North 69 degrees 06 minutes 58 seconds West (called
 4-6 North 66 degrees 53 minutes 39 seconds West) along the south line of
 4-7 the herein described tract and the south line of said called 28.00
 4-8 acre tract, same being the north right-of-way line of F. M. Highway
 4-9 359, 672.77 feet (called 672.80 feet) to a 1/2 inch iron pipe found
 4-10 on said line for angle point, being the southwest corner of said
 4-11 called 28.00 acre tract, same being the southeast corner of the
 4-12 aforementioned called 26.00 acre tract;

4-13 THENCE North 68 degrees 55 minutes 26 seconds West (called
 4-14 North 66 degrees 53 minutes 39 seconds West) along the south line of
 4-15 the herein described tract, the south line of said called 26.00 acre
 4-16 tract, and the south line of the aforementioned called 5.00 acre
 4-17 tract, same being the north right-of-way line of F. M. Highway 359,
 4-18 668.02 feet to a concrete monument found at the beginning of a curve
 4-19 to the left;

4-20 THENCE along said curve to the left having a central angle of
 4-21 02 degrees 16 minutes 15 seconds, a radius of 3,870.00 feet, an arc
 4-22 length of 153.37 feet, and a chord bearing North 69 degrees 55
 4-23 minutes 17 seconds West, 153.36 feet to a point on said curve for
 4-24 the southwest corner of the herein described tract and the
 4-25 southwest corner of said called 5.00 acre tract, same being the
 4-26 southeast corner of an adjoining called 10.228 acre tract recorded
 4-27 in Volume 2584, Page 467, Official Records, Fort Bend County,
 4-28 Texas;

4-29 THENCE North 02 degrees 03 minutes 09 seconds West (adjoiner
 4-30 called North 00 degrees 17 minutes 10 seconds West) along the west
 4-31 line of the herein described tract and the west line of said called
 4-32 5.00 acre tract, same being the east line of said adjoining called
 4-33 10.228 acre tract, at 0.35 feet pass a 1/2 inch iron pipe found in
 4-34 concrete on said line, and continuing for a total distance of 462.83
 4-35 feet (adjoiner called 462.4 feet) to an axle found on said line for
 4-36 angle point;

4-37 THENCE North 02 degrees 17 minutes 04 seconds West (adjoiner
 4-38 called North) continuing along the west line of the herein
 4-39 described tract and the west line of said called 5.00 acre tract,
 4-40 and along the west line of the aforementioned called 26.00 acre
 4-41 tract, same being the east line of said adjoining called 10.228 acre
 4-42 tract, at 327.68 feet pass a 1/2 inch iron pipe found 2.95 feet left
 4-43 of said line, and continuing for a total distance of 512.48 feet
 4-44 (adjoiner called 512.70 feet) to a 1-1/4 inch iron pipe found on
 4-45 said line for angle point, said point being the northeast corner of
 4-46 said adjoining called 10.228 acre tract, same being the southeast
 4-47 corner of an adjoining called 112.617 acre tract recorded in Volume
 4-48 759, Page 180, Deed Records, Fort Bend County, Texas;

4-49 THENCE North 02 degrees 23 minutes 34 seconds West (adjoiner
 4-50 called North) along the west line of the herein described tract and
 4-51 the west line of said called 26.00 acre tract, same being the east
 4-52 line of said adjoining called 112.617 acre tract, at 565.00 feet
 4-53 pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set
 4-54 on said line for reference, and continuing for a total distance of
 4-55 785.90 feet (adjoiner called 760 feet) to a point on the centerline
 4-56 of Jones Creek for the northwest corner of the herein described
 4-57 tract and the northwest corner of said called 26.00 acre tract, same
 4-58 being the northeast corner of said adjoining called 112.617 acre
 4-59 tract, the southeast corner of an adjoining called 64.28 acre tract
 4-60 recorded under Probate File Number 16,393, Probate Records, Fort
 4-61 Bend County, Texas, described in Volume 203, Page 392, Deed
 4-62 Records, Fort Bend County, Texas, and the southwest corner of an
 4-63 adjoining called 26.2992 acre tract recorded under County Clerk's
 4-64 File Number 2004151301, Official Public Records, Fort Bend County,
 4-65 Texas;

4-66 THENCE along the centerline of Jones Creek, being the common
 4-67 line of the herein described tract and said adjoining called
 4-68 26.2992 acre tract, with the following meanders:

4-69 South 64 degrees 31 minutes 36 seconds East, 280.44

5-1 feet;
5-2 South 76 degrees 15 minutes 19 seconds East, 149.11
5-3 feet;
5-4 North 88 degrees 53 minutes 35 seconds East, 340.35
5-5 feet;
5-6 South 81 degrees 11 minutes 21 seconds East, 613.46
5-7 feet;
5-8 South 75 degrees 31 minutes 44 seconds East, 38.64 feet
5-9 to a point for the upper northeast corner of the herein described
5-10 tract and the northeast corner of the aforementioned called 28.00
5-11 acre tract, same being the northwest corner of an adjoining called
5-12 6.00 acre tract recorded under Probate File Number 15,316, Probate
5-13 Records, Fort Bend County, Texas, described in Volume 1291, Page
5-14 289, Official Records, Fort Bend County, Texas;
5-15 THENCE South 02 degrees 23 minutes 02 seconds East (adjoiner
5-16 called South 00 degrees 09 minutes 07 seconds East) along the common
5-17 line of the herein described tract and said adjoining called 6.00
5-18 acre tract, at 170.05 feet pass a 1/2 inch iron pipe found on said
5-19 line for reference, and continuing for a total distance of 431.86
5-20 feet (adjoiner called 431.93 feet) to a 1/2 inch iron pipe found for
5-21 a reentry corner to the herein described tract, same being the
5-22 southwest corner of said adjoining called 6.00 acre tract, and
5-23 being the northwest corner of the aforementioned called 7.00 acre
5-24 tract;
5-25 THENCE South 76 degrees 29 minutes 28 seconds East (called
5-26 South 74 degrees 17 minutes 23 seconds East) continuing along said
5-27 common line, 632.36 feet (called 632.52 feet) to a 1/2 inch iron
5-28 pipe found in the west right-of-way line of F. M. Highway 723 for
5-29 the lower northeast corner of the herein described tract and the
5-30 northeast corner of said called 7.00 acre tract, same being the
5-31 southeast corner of said adjoining called 6.00 acre tract;
5-32 THENCE South 02 degrees 16 minutes 54 seconds East (called
5-33 South 00 degrees 02 minutes 09 seconds East) along the most easterly
5-34 east line of the herein described tract and the east line of said
5-35 called 7.00 acre tract, same being the west right-of-way line of F.
5-36 M. Highway 723, 543.27 feet (called 543.35 feet) to a 1/2 inch iron
5-37 pipe found for the upper southeast corner of the herein described
5-38 tract and the southeast corner of said called 7.00 acre tract, same
5-39 being the northeast corner of an adjoining called 5.236 acre tract
5-40 recorded under County Clerk's File Number 2006017382, Official
5-41 Public Records, Fort Bend County, Texas;
5-42 THENCE North 69 degrees 21 minutes 26 seconds West (called
5-43 North 67 degrees 14 minutes 09 seconds West) along the common line
5-44 of the herein described tract and said adjoining called 5.236 acre
5-45 tract, 659.41 feet (called 659.37 feet) to a 1/2 inch iron pipe with
5-46 cap marked "Kalkomey Surveying" found for a reentry corner to the
5-47 herein described tract, being the southwest corner of said called
5-48 7.00 acre tract, same being the northwest corner of said adjoining
5-49 called 5.236 acre tract, and being in the east line of the
5-50 aforementioned called 28.00 acre tract;
5-51 THENCE South 02 degrees 16 minutes 32 seconds East (adjoiner
5-52 called South 00 degrees 09 minutes 07 seconds East) continuing
5-53 along said common line, 377.92 feet (adjoiner called 377.90 feet)
5-54 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found
5-55 on said line for angle point, said point being the upper southwest
5-56 corner of said adjoining called 5.236 acre tract, same being the
5-57 northwest corner of the aforementioned adjoining called 4.5256 acre
5-58 tract;
5-59 THENCE South 02 degrees 19 minutes 53 seconds East (adjoiner
5-60 called South 00 degrees 09 minutes 07 seconds East) along the lower
5-61 east line of the herein described tract and the east line of said
5-62 called 28.00 acre tract, same being the west line of said adjoining
5-63 called 4.5256 acre tract, at 341.30 feet pass a 1/2 inch iron pipe
5-64 found on said line, and continuing for a total distance of 772.86
5-65 feet (adjoiner called 771.90 feet) to the Place of Beginning and
5-66 containing 65.877 acres of land, more or less.
5-67 SECTION 3. (a) The legal notice of the intention to
5-68 introduce this Act, setting forth the general substance of this
5-69 Act, has been published as provided by law, and the notice and a

6-1 copy of this Act have been furnished to all persons, agencies,
6-2 officials, or entities to which they are required to be furnished
6-3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-4 Government Code.

6-5 (b) The governor, one of the required recipients, has
6-6 submitted the notice and Act to the Texas Commission on
6-7 Environmental Quality.

6-8 (c) The Texas Commission on Environmental Quality has filed
6-9 its recommendations relating to this Act with the governor, the
6-10 lieutenant governor, and the speaker of the house of
6-11 representatives within the required time.

6-12 (d) All requirements of the constitution and laws of this
6-13 state and the rules and procedures of the legislature with respect
6-14 to the notice, introduction, and passage of this Act are fulfilled
6-15 and accomplished.

6-16 SECTION 4. This Act takes effect immediately if it receives
6-17 a vote of two-thirds of all the members elected to each house, as
6-18 provided by Section 39, Article III, Texas Constitution. If this
6-19 Act does not receive the vote necessary for immediate effect, this
6-20 Act takes effect September 1, 2009.

6-21

* * * * *