

By: Hegar

S.B. No. 1074

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 15; 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 8346 to read as follows:

CHAPTER 8346. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 15

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8346.001. 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. 15.

Sec. 8346.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8346.003. 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. 8346.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(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. 8346.005. 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 8346.006-8346.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8346.051. GOVERNING BODY; TERMS. (a) The district is
24 governed by a board of five elected directors.

25 (b) Except as provided by Section 8346.052, directors serve
26 staggered four-year terms.

27 Sec. 8346.052. TEMPORARY DIRECTORS. (a) On or after the

1 effective date of the Act creating this chapter, the owner or owners
2 of a majority of the assessed value of the real property in the
3 district may submit a petition to the Texas Commission on
4 Environmental Quality requesting that the commission appoint as
5 temporary directors the five persons named in the petition. The
6 commission shall appoint as temporary directors the five persons
7 named in the petition.

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

9 (1) the date permanent directors are elected under
10 Section 8346.003; or

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

13 (c) If permanent directors have not been elected under
14 Section 8346.003 and the terms of the temporary directors have
15 expired, successor temporary directors shall be appointed or
16 reappointed as provided by Subsection (d) to serve terms that
17 expire on the earlier of:

18 (1) the date permanent directors are elected under
19 Section 8346.003; or

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

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

1 petition.

2 [Sections 8346.053-8346.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8346.101. GENERAL POWERS AND DUTIES. The district has
5 the powers and duties necessary to accomplish the purposes for
6 which the district is created.

7 Sec. 8346.102. MUNICIPAL UTILITY DISTRICT POWERS AND
8 DUTIES. The district has the powers and duties provided by the
9 general law of this state, including Chapters 49 and 54, Water Code,
10 applicable to municipal utility districts created under Section 59,
11 Article XVI, Texas Constitution.

12 Sec. 8346.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
13 Section 52, Article III, Texas Constitution, the district may
14 design, acquire, construct, finance, issue bonds for, improve, and
15 convey to this state, a county, or a municipality for operation and
16 maintenance macadamized, graveled, or paved roads described by
17 Section 54.234, Water Code, or improvements, including storm
18 drainage, in aid of those roads.

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

23 Sec. 8346.104. APPROVAL OF ROAD PROJECT. (a) The district
24 may not undertake a road project authorized by Section 8346.103
25 unless:

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

1 road project, if a municipality or county will operate and maintain
2 the road; or

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

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

10 Sec. 8346.105. LIMITATION ON USE OF EMINENT DOMAIN. The
11 district may not exercise the power of eminent domain outside the
12 district to acquire a site or easement for:

- 13 (1) a road project authorized by Section 8346.103; or
14 (2) a recreational facility as defined by Section
15 49.462, Water Code.

16 [Sections 8346.106-8346.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8346.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
19 district may issue, without an election, bonds and other
20 obligations secured by:

- 21 (1) revenue other than ad valorem taxes; or
22 (2) contract payments described by Section 8346.153.

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

27 (c) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a
2 vote of a two-thirds majority of the district voters voting at an
3 election held for that purpose.

4 Sec. 8346.152. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held under Section 8346.151, the district
6 may impose an operation and maintenance tax on taxable property in
7 the district in accordance with Section 49.107, Water Code.

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

10 Sec. 8346.153. CONTRACT TAXES. (a) In accordance with
11 Section 49.108, Water Code, the district may impose a tax other than
12 an operation and maintenance tax and use the revenue derived from
13 the tax to make payments under a contract after the provisions of
14 the contract have been approved by a majority of the district voters
15 voting at an election held for that purpose.

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

19 [Sections 8346.154-8346.200 reserved for expansion]

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 8346.201. AUTHORITY TO ISSUE BONDS AND OTHER
22 OBLIGATIONS. The district may issue bonds or other obligations
23 payable wholly or partly from ad valorem taxes, impact fees,
24 revenue, contract payments, grants, or other district money, or any
25 combination of those sources, to pay for any authorized district
26 purpose.

27 Sec. 8346.202. TAXES FOR BONDS. At the time the district

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

6 Sec. 8346.203. BONDS FOR ROAD PROJECTS. At the time of
7 issuance, the total principal amount of bonds or other obligations
8 issued or incurred to finance road projects and payable from ad
9 valorem taxes may not exceed one-fourth of the assessed value of the
10 real property in the district.

11 SECTION 2. The Waller County Municipal Utility District No.
12 15 initially includes all the territory contained in the following
13 area:

14 Being 564.883 acres of land located in the Randolph Foster
15 League, Abstract 27, Waller County, Texas, more particularly being
16 a portion of that certain called 672.719 acre tract conveyed to NBI
17 Properties, Inc., by instruments of record in Volume 1005, Page
18 102, Official Public Records, of said Waller County (W.C.O.P.R.)
19 and File No. 2006149078, Official Public Records, of Fort Bend
20 County (F.B.C.O.P.R.), and being a portion of that certain called
21 152.516 acre tract conveyed to NBI Properties, Inc., by instruments
22 of record in Volume 1005, Page 037, W.C.O.P.R., and File No.
23 2006149075, F.B.C.O.P.R., said 564.883 acres being more
24 particularly described by metes and bounds as follows (all bearings
25 are assumed);

26 BEGINNING at the northeast corner of said 672.719 acre tract,
27 same being the northeast corner of said Randolph Foster League, the

1 northwest corner of the Nathan Brookshire League, Abstract 14, and
2 on the common line of said Waller County and Fort Bend County;

3 Thence, with the east line of said 672.719 acre tract, the
4 east line of said Randolph Foster League and said common county
5 line, South $03^{\circ} 52' 13''$ East (South $03^{\circ} 51' 32''$ East), 1455.68 feet to
6 a point for corner;

7 Thence, leaving the east line of said 672.719 acre tract and
8 continuing with the east line of said Randolph Foster League and
9 said common county line, South $02^{\circ} 07' 05''$ East, 2948.28 feet to a
10 point for corner, an angle point in said county line;

11 Thence, continuing with said county line, South $87^{\circ} 55' 15''$
12 West, 5634.05 feet to a point for corner on the common line of said
13 672.719 acre tract and F.M. 1489 (called 80 feet wide);

14 Thence, with the common line of said 672.719 acre tract and
15 said F.M. 1489, the following twelve (12) courses:

16 1) North $02^{\circ} 21' 59''$ West (called North $02^{\circ} 22' 01''$ West),
17 1567.51 feet to a point for corner;

18 2) North $01^{\circ} 45' 59''$ West, 1141.30 feet to a point for
19 corner, the beginning of a curve;

20 3) 336.74 feet along the arc of a tangent curve to the left,
21 having a radius of 5730.88 feet, a central angle of $03^{\circ} 22' 00''$ and a
22 chord which bears North $03^{\circ} 26' 59''$ West, 336.69 feet to a point for
23 corner;

24 4) North $05^{\circ} 07' 59''$ West, 544.03 feet to a point for corner;

25 5) North $04^{\circ} 07' 59''$ West, 262.85 feet to a point for corner,
26 the beginning of a curve;

27 6) 780.21 feet along the arc of a tangent curve to the right,

1 having a radius of 485.91 feet, a central angle of $91^{\circ} 59' 53''$ and a
2 chord which bears North $41^{\circ} 51' 55''$ East, 699.06 feet to a point for
3 corner;

4 7) North $87^{\circ} 51' 48''$ East, 1977.02 feet to a point for
5 corner, the beginning of a curve;

6 8) 220.50 feet along the arc of a non-tangent curve to the
7 right, having a radius of 2824.79 feet, a central angle of $04^{\circ} 28'$
8 $21''$ and a chord which bears South $88^{\circ} 43' 35''$ East, 220.45 feet to a
9 point for corner;

10 9) South $86^{\circ} 29' 24''$ East, 204.78 feet to a point for corner,
11 the beginning of a curve;

12 10) 86.45 feet along the arc of a tangent curve to the left,
13 having a radius of 517.46 feet, a central angle of $09^{\circ} 34' 20''$ and a
14 chord which bears North $88^{\circ} 43' 26''$ East, 86.35 feet to a point for
15 corner;

16 11) South $86^{\circ} 29' 20''$ East, 28.01 feet to a point for corner,
17 the beginning of a curve;

18 12) 263.52 feet along the arc of a tangent curve to the left,
19 having a radius of 326.48 feet, a central angle of $46^{\circ} 14' 48''$ and a
20 chord which bears North $70^{\circ} 23' 17''$ East, 256.43 feet to a point for
21 corner on the common survey line of said Randolph Foster League,
22 Abstract 27 (Waller County) and the William Cooper League, Abstract
23 20;

24 Thence with the north line of said 672.719 acre tract and said
25 common survey line, North $87^{\circ} 49' 39''$ East, 827.66 feet to a point
26 for corner;

27 Thence, continuing with said north line and said common

1 survey line, North 87° 44' 38" East, 1562.25 feet to the POINT OF
2 BEGINNING and containing 564.883 acres of land.

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

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

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

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

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