

By: Hegar

S.B. No. 1113

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 201; 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 8333 to read as follows:

CHAPTER 8333. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 201

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8333.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fort Bend County Municipal Utility District No. 201.

Sec. 8333.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8333.003. 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. 8333.004. 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. 8333.005. 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 8333.006-8333.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8333.051. GOVERNING BODY; TERMS. (a) The district is
24 governed by a board of five elected directors.

25 (b) Except as provided by Section 8333.052, directors serve
26 staggered four-year terms.

27 Sec. 8333.052. 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 8333.003; 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 8333.003 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 8333.003; 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 8333.053-8333.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8333.101. 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. 8333.102. 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. 8333.103. 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. 8333.104. APPROVAL OF ROAD PROJECT. (a) The district
24 may not undertake a road project authorized by Section 8333.103
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. 8333.105. 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 8333.103; or
14 (2) a recreational facility as defined by Section
15 49.462, Water Code.

16 [Sections 8333.106-8333.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8333.151. 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 8333.153.

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. 8333.152. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held under Section 8333.151, 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. 8333.153. 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 8333.154-8333.200 reserved for expansion]

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 8333.201. 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. 8333.202. 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. 8333.203. 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 Fort Bend County Municipal Utility District
12 No. 201 initially includes all the territory contained in the
13 following area:

14 Being 1212.476 acres of land located in the Randolph Foster
15 League, Abstract 28, the Isaac N. Charles League, Abstract 17 and
16 the Nathan Brookshire League, Abstract 14, Fort Bend County, Texas,
17 more particularly being a portion of that certain called 672.719
18 acre tract conveyed to NBI Properties, Inc., by instruments of
19 record in Volume 1005, Page 102, Official Public Records, of said
20 Waller County (W.C.O.P.R.) and File No. 2006149078, Official Public
21 Records, of Fort Bend County (F.B.C.O.P.R.), being a portion of
22 that certain called 477.895 acre tract conveyed to NBI Properties,
23 Inc., by instruments of record in Volume 0998, Page 753,
24 W.C.O.P.R., and File No. 2006146817, F.B.C.O.P.R., being all of
25 that certain called 316.9155 acre tract conveyed to NBI Properties,
26 Inc., by instrument of record in File No. 2006152865, F.B.C.O.P.R.,
27 being all of those certain called 156.927 (described as Tract One)

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1 and 228.012 (described as Tract Two) acre tracts conveyed to Hunt
2 Road & Poole Hill Farms, Inc., by instrument of record in File No.
3 2006140848, F.B.C.O.P.R., being all of that certain called 167.996
4 acre tract conveyed to Hunt Road & Poole Hill Farms, Inc., by
5 instrument of record in File No. 2006124567, F.B.C.O.P.R., and
6 being all being all of that certain called 235.82 acre tract
7 conveyed to Hunt Road & Poole Hill Farms, Inc., by instrument of
8 record in File No. 2007106146, F.B.C.O.P.R., said 1212.476 acres
9 being more particularly described in four (4) parts by metes and
10 bounds as follows (all bearings are assumed);

11 PART ONE

12 BEGINNING at the southeast corner of said 477.895 acre tract,
13 same being the northeast corner of that certain called 173.5 acre
14 tract conveyed to North Brookshire Limited, L.P., by instruments of
15 record in Volume 1322, Page 117 and Volume 1324, Page 589, Official
16 Records, of said Fort Bend County (F.B.C.O.R.), on the westerly
17 right-of-way line of F.M. 359 (called 100 feet wide);

18 Thence, with the common line of said 477.895 and 173.5
19 acre tracts, South 86° 14' 39" West (called South 86° 14' 39" West),
20 4424.53 feet to a point for corner, the northwest corner of said
21 173.5 acre tract, the northeast corner of said 316.9155 acre tract
22 and on the common line of said Fort Bend County and said Waller
23 County;

24 Thence, with said common county line, North 64° 45' 09"
25 East, 3822.58 feet to a point for corner on the common line of said
26 477.895 acre tract and said F.M. 359;

27 Thence, leaving said common county line and with the

1 common line of said 477.895 acre tract and F.M. 359, the following
2 three (3) courses:

3 1) South 35° 56' 20" East, 1122.72 feet to a point for
4 corner, the beginning of a curve;

5 2) 422.99 feet along the arc of a non-tangent curve to the
6 right, having a radius of 11680.86 feet, a central angle of 02° 04'
7 29" and a chord which bears South 34° 53' 15" East, 422.97 feet to a
8 point for corner;

9 3) South 33° 49' 22" East, 101.93 feet to the POINT OF
10 BEGINNING and containing 71.295 acres of land.

11 PART TWO

12 BEGINNING at the northeast corner of said 316.9155 acre
13 tract, the northwest corner of that certain called 173.5 acre tract
14 conveyed to North Brookshire Limited, L.P., by instruments of
15 record in Volume 1322, Page 117 and Volume 1324, Page 589,
16 F.B.C.O.R., on the south line of the William Cooper League,
17 Abstract 20 and on the common line of said Fort Bend County and said
18 Waller County;

19 Thence, with the east line of said 316.9155 acre tract,
20 the following six (6) courses:

21 1) South 05° 12' 16" East (called South 01° 37' 03" East),
22 840.62 feet to a point for corner;

23 2) North 89° 47' 13" East, 336.48 feet to a point for
24 corner;

25 3) South 09° 43' 53" East, 467.84 feet to a point for
26 corner;

27 4) South 07° 30' 55" East, 850.00 feet to a point for

1 corner;

2 5) South 05° 32' 28" East, 41.16 feet to a point for
3 corner;

4 6) South 05° 15' 23" East, 278.35 feet to the southeast
5 corner of said 316.9155 acre tract;

6 Thence, with the common line of said 316.9155 acre tract
7 and Pecan Hill Subdivision, an unrecorded subdivision, the
8 following four (4) courses:

9 1) South 77° 45' 11" West (called South 81° 20' 25" West),
10 724.59 feet to a point for corner;

11 2) South 78° 45' 46" West, 892.00 feet to a point for
12 corner;

13 3) South 87° 44' 44" West, 1795.20 feet to a point for
14 corner;

15 4) North 02° 30' 59" West, 806.12 feet to a point for
16 corner;

17 Thence, continuing with a south line of said 316.9155
18 acre tract, North 02° 58' 37" West, 513.22 feet to a point for
19 corner;

20 Thence, continuing with said south line, South 87° 09'
21 42" West, 1088.25 feet to the most easterly northeast corner of said
22 672.719 acre tract;

23 Thence, with the east line of said 672.719 acre tract,
24 the following six (6) courses:

25 1) South 02° 10' 54" East (called South 02° 10' 52" East),
26 513.74 feet to a point for corner;

27 2) South 02° 13' 19" East, 288.83 feet to a point for corner,

1 the beginning of a curve;

2 3) 68.38 feet along the arc of a non-tangent curve to the
3 left, having a radius of 60.00 feet, a central angle of 65° 17' 45"
4 and a chord which bears South 55° 12' 43" West, 64.74 feet to a point
5 for corner;

6 4) South 87° 45' 09" West, 894.21 feet to a point for
7 corner;

8 5) North 03° 34' 22" West, 50.00 feet to a point for
9 corner;

10 6) South 87° 26' 22" West, 281.31 feet to a point for corner
11 on the centerline of Bessies Creek;

12 Thence, with the centerline of said Bessies Creek, the
13 following three (3) courses:

14 1) North 63° 45' 04" West, 311.20 feet to a point for corner;

15 2) North 72° 10' 05" West, 677.66 feet to a point for
16 corner;

17 3) North 60° 36' 40" West, 445.96 feet to a point for corner
18 on the common survey line of said Nathan Brookshire League,
19 Abstract 14 (Fort Bend County) and the Randolph Foster League,
20 Abstract 27 (Waller County) and on the common line of said Fort Bend
21 County and said Waller County;

22 Thence, with said common survey line and said common
23 county line, North 03° 52' 13" West, 1603.64 feet to a point for
24 corner, the common north corner of said 316.9155 and said 672.719
25 acre tracts, on the south line of the aforementioned 477.895 acre
26 tract and on the common line of said Nathan Brookshire League,
27 Abstract 14 (Fort Bend County) and the William Cooper League,

1 Abstract 20 (Waller County);

2 Thence, continuing with said common county line, and
3 said common survey line, and the common line of said 316.9155 and
4 477.895 acre tracts, the following three (3) courses:

5 1) North 87° 38' 07" East, 1788.08 feet to a point for
6 corner;

7 2) North 87° 38' 07" East, 1191.63 feet to a point for
8 corner;

9 3) North 87° 42' 18" East, 3540.08 feet to the POINT OF
10 BEGINNING and containing 354.310 acres of land.

11 PART THREE

12 BEGINNING at the northeast corner of the aforementioned
13 167.996 acre tract, same being on the south line of that certain
14 called 9.2199 acre tract conveyed to Thomas D. Snader, et ux, by
15 instrument of record in File No. 9612689, F.B.C.O.P.R., and on the
16 west right-of-way line of Pool Hill Road;

17 Thence, with the common line of said 167.996 acre tract
18 and said Pool Hill Road, South 01° 15' 01" East (called South 01° 15'
19 01" East), 1121.50 feet to the southeast corner of said 167.996 acre
20 tract, same being on the north right-of-way line of Hunt Road;

21 Thence, with the south lines of said 167.996 acre tract
22 and the aforementioned 228.012 acre tract and the north line of said
23 Hunt Road, the following five (5) courses:

24 1) North 67° 08' 57" West, 481.38 feet to a point for corner;

25 2) South 88° 44' 54" West, 1206.64 feet to a point for
26 corner;

27 3) South 88° 35' 09" West, 3373.73 feet to a point for

1 corner;

2 4) South 88° 37' 31" West, 1554.55 feet to a point for
3 corner;

4 5) South 88° 42' 59" West, 1068.05 feet to a point for corner
5 on the centerline of Bessies Creek;

6 Thence, with the centerline meanders of said Bessies
7 Creek, the following five (5) courses:

8 1) North 04° 24' 25" East, 500.20 feet to a point for corner;

9 2) North 17° 02' 57" West, 483.52 feet to a point for
10 corner;

11 3) North 49° 34' 26" West, 1093.06 feet to a point for
12 corner;

13 4) North 01° 41' 05" West, 209.65 feet to a point for
14 corner;

15 5) North 21° 10' 25" East, 193.50 feet to a point for corner
16 on the common line of said Fort Bend County and said Waller County;

17 Thence, with said common county line, North 87° 55' 15"
18 East, 293.26 feet to a point for corner on the west line of the
19 aforementioned Isaac N. Charles League and a reentrant corner of
20 said county line;

21 Thence, with the common line of said Randolph Foster
22 League, Abstract 27 (Waller County) and said Isaac N. Charles
23 Leagues and continuing with said common county line, North 02° 07'
24 05" West, 201.15 feet to a point for corner on the centerline of
25 said Bessies Creek;

26 Thence, leaving said common survey line and said common
27 county and with the centerline meanders of Bessies Creek, the

1 following three (3) courses:

- 2 1) North $64^{\circ} 39' 53''$ East, 707.60 feet to a point for corner;
- 3 2) North $56^{\circ} 39' 01''$ East, 550.92 feet to a point for
4 corner;
- 5 3) North $34^{\circ} 38' 27''$ East, 435.63 feet to a point for corner
6 on the north line of said 228.012 acre tract, same being on the
7 common line of said Isaac N. Charles League and the aforementioned
8 Nathan Brookshire League, Abstract 14 (Fort Bend County);

9 Thence, with the north line of said 228.012 and 167.966
10 acre tracts and said common survey line, the following three (3)
11 courses:

- 12 1) North $88^{\circ} 36' 23''$ East (called North $88^{\circ} 36' 23''$ East),
13 2740.39 feet to a point for corner;
- 14 2) North $88^{\circ} 38' 43''$ East, 391.42 feet to a point for
15 corner;
- 16 3) North $88^{\circ} 34' 09''$ East, 234.57 feet to the most northerly
17 northeast corner of said 167.966 acre tract;

18 Thence, leaving said common survey line and with an east
19 line of said 167.996 acre tract, the following five (5) courses:

- 20 1) South $00^{\circ} 16' 33''$ East, 180.00 feet to a point for corner;
- 21 2) South $00^{\circ} 43' 08''$ East, 334.17 feet to a point for
22 corner;
- 23 3) South $01^{\circ} 40' 45''$ East, 641.05 feet to a point for
24 corner;
- 25 4) South $02^{\circ} 00' 21''$ East, 192.72 feet to a point for
26 corner;
- 27 5) South $01^{\circ} 10' 30''$ East, 987.32 feet to a reentrant corner

1 of said 167.996 acre tract;

2 Thence, with a north line of said 167.996 acre tract,
3 the following four (4) courses:

4 1) North 88° 25' 10" East, 1015.89 feet to a point for
5 corner;

6 2) North 87° 39' 34" East, 395.22 feet to a point for
7 corner;

8 3) North 87° 30' 41" East, 841.03 feet to a point for
9 corner;

10 4) North 87° 59' 27" East, 1192.62 feet to the POINT OF
11 BEGINNING and containing 394.123 acres of land.

12 PART FOUR

13 BEGINNING at the northeast corner of the aforementioned
14 235.82 acre tract, same being the southeast corner of the
15 aforementioned 156.927 acre tract and on the west right-of-way line
16 of said Pool Hill Road:

17 Thence, with the common line of said 235.82 acre tract
18 and said Pool Hill Road, South 01° 46' 06" East (called South 01° 51'
19 06" East), 837.49 feet to the most easterly south east corner of
20 said 235.82 acre tract;

21 Thence, with the south line of said 235.82 acre tract,
22 South 85° 12' 35" West, 2933.05 feet to a reentrant corner of said
23 235.82 acre tract;

24 Thence, South 03° 43' 41" East, 1040.32 feet to the most
25 southerly southeast corner of said 235.82 acre tract and on the
26 common line of said Isaac N. Charles League and the Noel F. Roberts
27 Survey, Abstract 79;

1 Thence, with the south line of said 235.82 acre tract and said
2 common survey line, South 88° 35' 35" West, 3697.60 feet to the
3 southwest corner of said 235.82 acre tract, same being on the east
4 right-of-way line of Hunt Lane;

5 Thence, leaving said common survey line and with the
6 common line of said 235.82 acre tract and said Hunt Lane, North 02°
7 09' 17" West, 825.45 feet to a point for corner;

8 Thence, with the west line of said 235.82 acre tract,
9 the following three (3) courses;

10 1) North 85° 14' 09" East, 415.86 feet to a point for corner;

11 2) North 02° 22' 29" West, 419.90 feet to a point for
12 corner;

13 3) South 87° 44' 26" West, 414.27 feet to a point for corner
14 on the east line of said Hunt Lane;

15 Thence, with the common line of said 235.82 acre tract
16 and said Hunt lane, North 02° 12' 21" West, 848.23 feet to the common
17 west corner of said 235.82 and 156.927 acre tracts;

18 Thence, with the common line of said 156.927 acre tract
19 and said Hunt Lane, North 02° 13' 51" West (called North 02° 12' 35"
20 West), 1016.80 feet to the northwest corner of said 156.927 acre
21 tract and on the south right-of-way line of the aforementioned Hunt
22 Road;

23 Thence, with the common line of said 156.927 acre tract
24 and said Hunt Road, the following three (3) courses:

25 1) North 88° 40' 10" East, 6067.64 feet to a point for
26 corner;

27 2) South 84° 45' 30" East, 63.21 feet to a point for

1 corner;

2 3) South 67° 24' 16" East, 523.06 feet to the northeast
3 corner of said 156.927 acre tract and on the west line of the
4 aforementioned Pool Hill Road;

5 Thence, with the common line of said 156.927 acre tract
6 and said Pool Hill Road, South 02° 18' 03" East, 850.14 feet to the
7 POINT OF BEGINNING and containing 392.748 acres of land.

8 Said Part One, Part Two, Part Three and Part Four
9 containing a total of 1212.476 acres of land.

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

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

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

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

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