

By: Hegar

S.B. No. 1115

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 203; 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 8340 to read as follows:

CHAPTER 8340. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 203

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8340.001. 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. 203.

Sec. 8340.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8340.003. 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. 8340.004. 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. 8340.005. 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 8340.006-8340.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8340.051. GOVERNING BODY; TERMS. (a) The district is
24 governed by a board of five elected directors.

25 (b) Except as provided by Section 8340.052, directors serve
26 staggered four-year terms.

27 Sec. 8340.052. 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 8340.003; 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 8340.003 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 8340.003; 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 8340.053-8340.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8340.101. 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. 8340.102. 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. 8340.103. 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. 8340.104. APPROVAL OF ROAD PROJECT. (a) The district
24 may not undertake a road project authorized by Section 8340.103
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. 8340.105. 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 8340.103; or
14 (2) a recreational facility as defined by Section
15 49.462, Water Code.

16 [Sections 8340.106-8340.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8340.151. 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 8340.153.

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. 8340.152. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held under Section 8340.151, 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. 8340.153. 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 8340.154-8340.200 reserved for expansion]

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 8340.201. 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. 8340.202. 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. 8340.203. 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. 203 initially includes all the territory contained in the
13 following area:

14 Being 197.738 acres of land located in the Thomas Westall
15 League, Abstract 92, and the Noel F. Roberts League, Abstract 79,
16 Fort Bend County, Texas, more particularly being a portion of that
17 certain called 69.1455 acre tract conveyed to FM 1489 Farms, Inc.,
18 by instrument of record in File No. 2008055874, Official Public
19 Records, of Fort Bend County (F.B.C.O.P.R.), being a portion of
20 that certain called 200.15 acre tract conveyed to Hady Creek Ranch,
21 Inc., by instrument of record in File No. 2006084768, F.B.C.O.P.R.,
22 being a portion of that certain called 45.7951 acre tract conveyed
23 to Mullins Ranch, Inc., by instrument of record in File No.
24 2006143619, F.B.C.O.P.R., being all of that certain called 43.348
25 acre tract conveyed to Mullins Ranch, Inc., by instrument of record
26 in File No. 2006109294, F.B.C.O.P.R., all of that certain called
27 10.0 acre tract conveyed to Mullins Ranch, Inc., by instrument of

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1 record in File No. 2006062118, F.B.C.O.P.R., and being all of that
2 certain called 24.995 acre tract (described as Tract One, Two and
3 Three) conveyed to Mullins Ranch, Inc. by instrument of record in
4 File No. 2007099337, F.B.C.O.P.R., said 197.738 acres being more
5 particularly described in six (6) parts by metes and bounds as
6 follows (all bearings are assumed);

7 PART ONE

8 BEGINNING at the northwest corner of said 69.1455 acre tract,
9 same being the northeast corner of that certain called 79.309 acre
10 tract conveyed to Debra Sabrsula, et vir, by instrument of record in
11 File No. 2000103016, F.B.C.O.P.R., and within the right-of-way of
12 Stanberry Road;

13 Thence, with the north line of said 69.1455 acre tract,
14 North 87° 59' 20" East (called South 89° 57' 42" East), 912.00 feet to
15 the northeast corner of said 69.1455 acre tract;

16 Thence, with the east line of said 69.1455 acre tract,
17 South 46° 16' 58" East, 476.50 feet to a point for corner;

18 Thence, South 43° 50' 03" West, at 14.19 feet pass the
19 north corner of that certain called 3 acre tract conveyed to Janie
20 Dreyer, et al, by instrument of record in File No. 2004009841,
21 F.B.C.O.P.R., and with the northerly line said 3 acre tract in all a
22 total length of 196.58 feet to a point for corner, the west corner
23 of said 3 acre tract;

24 Thence, with the westerly line of said 3 acre tract,
25 South 40° 26' 08" East, 642.23 feet to a point for corner, the south
26 corner of said 3 acre tract;

27 Thence, with the southerly line of said 3 acre tract,

1 North 39° 17' 20" East, at 219.68 feet pass the east corner of said 3
2 acre tract in all a total length of 256.45 feet to a point for corner
3 on the east line of said 69.1455 acre tract;

4 Thence, with the east line of said 69.1455 acre tract,
5 South 52° 26' 26" East, 362.53 feet to a point for corner;

6 Thence, continuing with said east line, South 50° 04'
7 00" East, 88.47 feet to a point for corner;

8 Thence, leaving said east line, South 82° 09' 00" West,
9 2018.61 feet to a point for corner on the west line of said 69.1455
10 acre tract;

11 Thence, with said west line, North 02° 25' 03" West
12 (called North 00° 22' 07" West), 1284.07 feet to the POINT OF
13 BEGINNING and containing 37.110 acres of land.

14 PART TWO

15 BEGINNING at the northwest corner of said 200.15 acre
16 tract, same being the southwest corner of that certain called
17 59.752 acre tract conveyed to Jim Berger, et ux, by instrument of
18 record in File No. 9730382, F.B.C.O.P.R., and on the east
19 right-of-way line of F.M. 1489 (called 100 feet wide);

20 Thence, with the north line of said 200.15 acre tract,
21 North 88° 05' 32" East (called North 87° 57' 56" East), 2178.93 feet
22 to the northeast corner of said 200.15 acre tract, same being on the
23 common line of the aforementioned Thomas Westall League and the
24 Noel F. Roberts League;

25 Thence, with the east line of said 200.15 acre tract and
26 with said common survey line, South 02° 10' 14" East, 1675.55 feet to
27 a point for corner;

1 Thence, leaving said east line and said common survey
2 line, North 58° 01' 26" West, 532.10 feet to a point for corner;

3 Thence, North 67° 52' 22" West, 486.38 feet to a point
4 for corner;

5 Thence, North 77° 58' 23" West, 486.25 feet to a point
6 for corner;

7 Thence, North 87° 57' 02" West, 584.71 feet to a point
8 for corner on the west line of said 200.15 acre tract and on the east
9 line of said F.M. 1489;

10 Thence, with the common line of said 200.15 acre tract
11 and said F.M. 1489, North 05° 22' 51" West, 19.79 feet to a point for
12 corner, the beginning of a curve;

13 Thence, continuing with said common line, 1038.34 feet
14 along the arc of a tangent curve to the left, having a radius of
15 2915.00 feet, a central angle of 20° 24' 33" and a chord which bears
16 North 15° 35' 07" West, 1032.86 feet to the POINT OF BEGINNING and
17 containing 56.634 acres of land.

18 PART THREE

19 BEGINNING at the most northerly northeast corner of
20 said 24.995 acre tract, same being the northwest corner of that
21 certain called 14.598 acre tract conveyed to Paul C. Edris, et ux,
22 by instrument of record in File No. 2004142696, F.B.C.O.P.R., and
23 on the south line of that certain called 304.5 acre tract conveyed
24 to Phillip Mason Hunt, et al, by instrument of record in File
25 2004029309, F.B.C.O.P.R.

26 Thence, with the east line of said 24.995 acre tract,
27 South 02° 23' 38" East (called South 00° 53' 56" East), 1371.83 feet

1 to a reentrant corner of said 24.995 acre tract;

2 Thence, with a north line of said 24.995 acre tract,
3 North 87° 32' 14" East, 800.00 feet to the most easterly northeast
4 corner of said 24.995 acre tract, same being on the west
5 right-of-way line of Hannibal Road (width varies);

6 Thence, with the common line of said 24.995 acre tract
7 and said Hannibal Road, South 02° 24' 32" East, 271.87 feet to the
8 southeast corner of said 24.995 acre tract, same being on the north
9 right-of-way line of said Hannibal Road;

10 Thence, with the common line of said 24.995 acre tract
11 and said Hannibal Road, South 87° 31' 30" West, 1328.76 feet to the
12 southwest corner of said 24.995 acre tract;

13 Thence, with the west line of said 24.995 acre tract,
14 North 02° 23' 38" West (called North 00° 53' 56" West), 1651.80 feet
15 to the northwest corner of said 24.995 acre tract;

16 Thence, with the north line of said 24.995 acre tract,
17 North 88° 23' 04" East, 528.73 feet to the POINT OF BEGINNING and
18 containing 24.994 acres of land.

19 PART FOUR

20 BEGINNING at the northwest corner of the aforementioned
21 10.0 acre tract, same being the most northerly northeast corner of
22 that certain called 647.182 acre tract (described as Tract A)
23 conveyed to Mullins Ranch, Inc., by instrument of record in File No.
24 2006089820, F.B.C.O.P.R., and on the south right-of-way line of
25 said Hannibal Road;

26 Thence, with the common line of said 10.0 acre tract and
27 said Hannibal Road, North 85° 23' 38" East (called North 87° 59' 40"

1 East), 356.17 feet to the northeast corner of said 10.0 acre tract;

2 Thence, with the east line of said 10.0 acre tract,
3 South 02° 13' 20" East, 1230.47 feet to the southeast corner of said
4 10.0 acre tract, same being on a north line of said 647.182 acre
5 tract;

6 Thence, with the common line of said 10.0 and 647.182
7 acre tracts, South 87° 27' 19" West, 355.87 feet to the southwest
8 corner of said 10.0 acre tract;

9 Thence, continuing with said common line, North 02° 13'
10 20" West, 1217.66 feet to the POINT OF BEGINNING and containing
11 10.000 acres of land.

12 PART FIVE

13 BEGINNING at the northeast corner of the aforementioned
14 43.348 acre tract, same being the southeast corner of that certain
15 called 39.882 acre tract conveyed to Timothy S. Raisbeck, et ux, by
16 instrument of record in File 1999073288, F.B.C.O.P.R, and on the
17 common line of the aforementioned Noel F. Roberts League and the
18 John Randon League, Abstract 76;

19 Thence, with the east line of said 43.348 acre tract and said
20 common survey line, South 02° 46' 24" East (called South 02° 13' 49"
21 East), 885.66 feet to the southeast corner of said 43.348 acre
22 tract;

23 Thence, leaving said common survey line and with the
24 south line of said 43.348 acre tract, South 87° 17' 58" West, 2125.52
25 feet to the southwest corner of said 43.348 acre tract;

26 Thence, with the west line of said 43.348 acre tract,
27 North 03° 09' 48" West, 890.50 feet the northwest corner of said

1 43.348 acre tract;

2 Thence, with the north line of said 43.348 acre tract,
3 the following three (3) courses:

4 1) North 87° 34' 26" East (called North 88° 07' 01" East),
5 791.55 feet to a point for corner;

6 2) North 87° 16' 57" East, 642.55 feet to a point for
7 corner;

8 3) North 87° 23' 59" East, 697.49 feet to the POINT OF
9 BEGINNING and containing 43.356 acres of land.

10 PART SIX

11 BEGINNING at the northeast corner of the aforementioned
12 45.7951 acre tract which lies within the right-of-way of Pool Hill
13 Road, same being the southeast corner of that certain called 10.00
14 acre tract conveyed to Lauro Arellano, et ux, by instrument of
15 record in File No. 2006154744, F.B.C.O.P.R.;

16 Thence, with the east line of said 45.7951 acre tract,
17 South 01° 58' 27" East (called South 00° 37' 34" West), 200.23 feet to
18 a point for corner;

19 Thence, continuing with said east line, South 86° 59'
20 39" West, 18.99 feet to a point for corner on the west line of said
21 Pool Hill Road;

22 Thence, with the common line of said 45.7951 acre tract and
23 said Pool Hill Road, South 01° 41' 01" East, 143.83 feet to a point
24 for corner;

25 Thence, leaving said common line, South 80° 19' 45"
26 West, 476.69 feet to a point for corner;

27 Thence, South 72° 53' 44" West, 390.99 feet to a point

1 for corner;

2 Thence, South 63° 48' 56" West, 499.55 feet to a point
3 for corner;

4 Thence, South 53° 32' 30" West, 630.44 feet to a point
5 for corner on the south line of said 45.7951 acre tract and on a
6 north line of the aforementioned 647.182 acre tract;

7 Thence, with the common line of said 45.7951 and 647.182
8 acre tracts, South 87° 11' 19" West, 784.72 feet to the southwest
9 corner of said 45.7951 acre tract, same being the southeast corner
10 of that certain called 18.525 acre tract (described as Tract B)
11 conveyed to Mullins Ranch, Inc., by instrument of record in File No.
12 2006089820, F.B.C.O.P.R.;

13 Thence, with the common line of said 45.7951 and 18.525
14 acre tracts, North 02° 40' 01" West, 507.09 feet to the common north
15 corner of said 45.7951 and 18.525 acre tracts, same being on an
16 interior line of said 647.182 acre tract;

17 Thence, with the common line of said 45.7951 and 647.182
18 acre tracts, North 87° 06' 02" East, 1445.65 feet to a reentrant
19 corner of said 45.7951 acre tract;

20 Thence, continuing with said common line, North 00° 40'
21 26" West, 532.09 feet to the most northerly northwest corner of said
22 45.7951 acre tract;

23 Thence, with the north line of said 45.7951 acre tract,
24 North 86° 59' 39" East, 1178.24 feet to the POINT OF BEGINNING and
25 containing 25.644 acres of land.

26 Said Part One, Part Two, Part Three, Part Four, Part
27 Five and Part Six containing a total of 197.738 acres of land.

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

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

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

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

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