

Amend CSHB 725 by adding the following appropriately numbered SECTIONS to the bill accordingly:

SECTION _____. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8372 to read as follows:

CHAPTER 8372. BELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8372.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Bell County Municipal Utility District No. 1.

Sec. 8372.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8372.003. 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. 8372.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8372.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8372.005. 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) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

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

Sec. 8372.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

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

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8372.007-8372.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8372.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8372.052, directors serve staggered four-year terms.

Sec. 8372.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Roger Hunter;

(2) Randy Reding;

(3) David Barr;

(4) Karen Walinder; and

(5) David Lazar.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8372.003; or

(2) September 1, 2015.

(c) If permanent directors have not been elected under Section 8372.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8372.003; or

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

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

[Sections 8372.053-8372.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8372.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8372.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8372.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

Sec. 8372.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8372.103 unless:

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

(2) the Texas Transportation Commission has approved

the plans and specifications of the road project, if the state will operate and maintain the road.

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

Sec. 8372.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8372.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

- (1) a road project authorized by Section 8372.103; or
- (2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8372.107-8372.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8372.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 8372.153.

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

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

Sec. 8372.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8372.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8372.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

[Sections 8372.154-8372.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8372.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8372.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8372.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION _____. The Bell County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

Being all that certain tract or parcel of land situated in the C. H. Fitch Survey, A-316, the John Lewis Survey, A-512, the S.C. Fitch Survey, A-371, and the Young Williams Survey, A-861, Bell County, Texas, being all of Tract One (called 442.51 acres), Tract Two

(called 23.923 acres), and Tract 4 (called 8.440 acres) described in deed to Weldon Whitis and Bruce Whitis in Volume 4441, Page 575, Official Records, Bell County, Texas, and all of that certain called 64.7 acre tract described in deed to Whitis Land Investments, Ltd., in Volume 6622, Page 114, Official Records, Bell County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod at the southeast corner of said Tract 4 (called 8.440 acres), same being in the north line of said Tract One (called 442.51 acres), also being the southwest corner of Tract Three (called 6.747 acres) also described in deed to Weldon Whitis and Bruce Whitis in Volume 4441, Page 575, Official Records, Bell County, Texas, for corner of the herein described tract,

THENCE N 17°42'07" E, 444.85 along the west line of said Tract Three and east line of said Tract Two to an iron pipe for corner of the herein described tract;

THENCE in a westerly direction along the north line of said Tract Three with the following courses:

1. N 88°11'16" W, 310.38 feet to an iron pipe;
2. S 83°11'40" W, 317.12 feet, to an iron pipe;
3. S 82°58'31" W, 246.70, feet to an iron pipe, for the northwest corner of said Tract Three;

THENCE in a southerly direction along the west line of said Tract Three with the following courses:

1. S 10°13'31" W, 26.66 feet;
2. S 29°13'59" E, 10.60 feet;
3. S 01°30'59" E 14.54 feet;
4. S 43°00'42" W, 24.35 feet;
5. S 61°37'21" W, 12.89 feet;
6. S 14°33'54" W, 88.90 feet, to an iron pipe in a fence corner, for an ell corner;

THENCE N 71°44'38" W, 190.17 feet, westerly, along a north line of said Tract Three to an iron rod in the north line of said Tract One;

THENCE in a westerly direction along the north line of said Tract One with the following courses:

1. N 70°34'14" W, 44.59 feet, an iron rod for corner;
2. N 72°25'22" W, 616.92 feet, an iron rod for corner;

3. N 74°43'06" W, 507.39 feet, an iron rod in the east line of said 64.7 acre tract, for corner;

THENCE N 15°55'53" E, 851.78 feet, westerly, along an east line of said 64.7 acre tract to a cedar, for the northeast corner of said 64.7 acre tract;

THENCE in a westerly direction a the north line of said 64.7 acre tract with the following courses:

1. N 48°17'37" W, 82.11 feet, a post for corner;
2. N 28°55'27" W, 225.01 feet, a post for corner;
3. N 58°18'37" W, 18.24 feet, an elm for corner;
4. N 75°42'40" W, 266.08 feet, an iron rod for corner;
5. N 75°23'12" W, 237.82 feet, an iron rod for corner;
6. N 73°19'20" W, 164.19 feet, an iron rod for the northeast corner of Lot 5, Block 6, Stoneoak Subdivision, Phase 2, recorded in Cabinet B, Slide 334-B, Plat Records, Bell County, Texas, for corner of the herein described tract;

THENCE along the easterly and southerly boundaries of Block 6, Stoneoak Subdivision, Phase 2 with the following courses:

1. S 14°37'25" W, 427.85 feet, an iron rod for corner;
2. S 39°36'49" W, 477.27 feet, an iron rod for corner;
3. N 50°23'11" W, 139.40 feet, an iron rod in the north margin of Stoneoak Dr., for corner;

THENCE S 39°36'49" W, 60.00 feet, to an iron rod in the south margin of Stoneoak Dr, for corner;

THENCE N 50°23'59" W, 99.90 feet, along the south margin of Stoneoak Dr., to an iron rod for the northeast corner of Block 3, Stoneoak Subdivision, Phase 2, for corner;

THENCE along the easterly and southerly boundaries of Block 3, Stoneoak Subdivision, Phase 2 with the following courses:

1. S 39°39'11" W, 139.38 feet, an iron rod for the northeast corner of Lot 5, Block 3, Stoneoak Subdivision, Phase 2, for corner;
2. N 50°23'11" W, 311.48 feet, an iron rod, for corner;
3. N 53°09'02" W, 458.34 feet, an iron rod for the southwest corner of Lot 1, Block 3, Stoneoak Subdivision, Phase 2, same being the southeast corner of Lot 1, Block 1, Stoneoak Subdivision, Phase 1, recorded in Cabinet B, Slide 236-B, Plat Records, Bell County, Texas, for corner;

THENCE N 53°50'25" W, 155.91 feet, along the south line of said Lot 1, Block 1, to an iron rod in the east margin of FM 1670, for corner;
THENCE S 27°04'56" W, 566.14 feet, along the east margin of FM 1670 for an iron rod in the north line of Lot 6, Block 1, Stoneoak Subdivision, Phase 1, for corner;

THENCE along the easterly and southerly boundaries of Lot Lot 6, Block 1, Stoneoak Subdivision, Phase 1, with the following courses:

1. S 53°56'27" E, 155.87 feet, an iron rod for corner;
2. S 27°04'53" W, 145.23 feet, an iron rod for the southeast corner of said Lot 6, Block 1, Stoneoak Subdivision, Phase 1, and corner of the herein described tract;

THENCE along the southeasterly along the southerly boundary of said 64.7 acre tract with the following courses:

1. S 56°19'35" E, 696.11 feet, an iron rod, for corner;
2. N 23°01'40" E, 18.36 feet, an iron rod, for corner;
3. S 47°22'19" E, 1346.71 feet, an iron rod, in the west line of said Tract One and an ell corner of the herein described tract;

THENCE in a southerly direction along the fenced west line of said Tract One with the following courses:

1. S 45°43'29" W, 521.79 feet, an iron rod, for corner;
2. S 28°59'19" W, 430.76 feet, an iron rod, for corner;
3. S 15°02'24" W, 590.71 feet, a 12" cedar, for corner;
4. S 31°13'21" W, 11.21 feet, a 12" cedar, for corner;
5. S 28°24'41" W, 2.53 feet, an iron rod for the north corner of the called 8.12 acre tract described in deed to the United States of America in Volume 874, Page 283, Deed Records of Bell County, Texas;

THENCE S 19°42'32" E, 1187.26 feet, along a east line of said 8.12 acre tract and west line of said Tract One to an iron pipe for the south corner of said 8.12 acre tract, for corner;

THENCE S 15°55'45" W, 377.40 feet, along a north west line of said Tract One to an iron pipe for the westerly southwest corner of the herein described tract;

THENCE S 78°41'13" E, 2847.43 feet, along a south line of said Tract One and existing fence to an iron pipe in a fence corner, same being an ell corner of the herein described tract;

THENCE S 12°34'41" W, 95.71 feet, to a point, for corner;

THENCE in a easterly direction 100' north of an parallel to the

south line of said Tract One, south line of said Tract Two, and left bank of the Lampasas River with the following courses:

1. N 59°59'13" E, 125.67 feet, a point, for corner;
2. N 78°13'20" E, 288.55 feet, a point, for corner;
3. S 69°41'17" E, 72.82 feet, a point, for corner;
4. S 67°06'56" E, 275.14 feet, a point, for corner;
5. S 58°22'11" E, 271.35 feet, a point, for corner;
6. S 46°50'39" E, 512.57 feet, a point, for corner;
7. S 26°54'16" E, 299.38 feet, a point, for corner;
8. S 43°48'14" E, 309.26 feet, a point, for the southeast corner of the herein described tract;

THENCE in a northerly direction along the fenced east line of said Tract Two, and east line of the herein described tract, with the following courses:

1. N 14°02'58" E, 481.07 feet, a post, for corner;
2. N 02°07'12" W, 180.92 feet, a post, for corner;
3. N 10°32'57" E, 614.21 feet, a post, for corner;
4. N 49°54'32" E, 229.03 feet, a fence corner post for the northeast corner of said Tract Two;

THENCE in a westerly direction along a fenced north line of said Tract Two, and east line of the herein described tract, with the following courses:

1. N 72°21'30" W, 39.54 feet, an iron rod, for corner;
2. N 64°20'47" W, 70.85 feet, an iron rod in a fence corner in the east line of said Tract One, for corner of the herein described tract;

THENCE in a northerly direction along the fenced east line of said Tract One, and east line of the herein described tract, with the following courses:

1. N 53°59'40" E, 167.20 feet, an iron rod, for corner;
2. N 59°20'36" E, 58.19 feet, an iron rod, for corner;
3. N 62°55'16" E, 71.72 feet, an iron rod, for corner;
4. N 69°11'44" E, 68.89 feet, a an iron rod, for corner;
5. N 62°45'31" E, 112.05 feet, an iron rod, for corner;
6. N 73°56'23" E, 35.96 feet, an iron rod, for corner;
7. N 61°52'10" E, 86.51 feet, an iron rod, for corner;
8. N 51°31'36" E, 274.08 feet, an iron rod, for corner;

9. N 45°30'37" E, 58.94 feet, an iron rod, for corner;
10. N 35°22'34" E, 111.93 feet, an iron rod, for corner;
11. N 24°37'26" E, 55.46 feet, an iron rod, for corner;
12. N 02°52'20" E, 61.55 feet, an iron rod, for corner;
13. N 05°33'08" W, 125.86 feet, an iron rod, for corner;
14. N 42°54'00" W, 25.42 feet, an iron rod, for corner;
15. N 83°42'20" W, 111.89 feet, a post, for corner;
16. N 79°38'56" W, 59.70 feet, an iron rod, for corner;
17. N 12°35'12" E, 319.71 feet, a 14" cedar, for corner;
18. N 03°59'50" E, 60.17 feet, an iron rod, for corner;
19. N 00°04'49" E, 10.78 feet, an iron rod, for corner;
20. N 24°58'14" E, 56.12 feet, an iron rod, for corner;
21. N 12°05'54" E, 554.94 feet, an iron rod, for corner;
22. N 14°09'42" W, 13.29 feet, an iron rod, for corner;
23. N 54°33'04" W, 43.94 feet, an iron rod, for corner;
24. N 67°13'03" W, 67.22 feet, an iron rod, for corner;
25. N 15°57'36" E, 766.87 feet, an iron rod in a fence corner, same being the most easterly northeast corner of said Tract One, for corner of the herein described tract;

THENCE N 76°03'02" W, 608.28 feet, along the fenced north line of said Tract One to an iron rod in a fence corner for an ell corner of the herein described tract;

THENCE N 16°06'35" E, 385.98 feet, along a fenced east line of said Tract One to an iron pipe in a fence corner for corner;

THENCE N 74°31'12" W, 801.90 feet, along a fenced north line of said Tract One to an iron pipe in a fence corner for corner;

THENCE S 16°27'16" W, 399.55 feet, along a fenced line of said Tract One to an iron pipe in a fence corner for corner;

THENCE N 71°41'44" W, 1155.49 feet, along a fenced north line of said Tract One to an iron rod for the southeast corner of said Tract Three (called 6.747 acres), for corner;

THENCE N 71°42'51" W, 62.25 feet along the south line of said Tract Three and north line of said Tract One to the PLACE OF BEGINNING and containing a called mathematical total of 534.66 acres of land, more or less.

SECTION _____. (a) Section 8372.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if

this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8372, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8372.106 to read as follows:

Sec. 8372.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION _____. Except as provided by the Section ____ (preceding) of this Act, this Act takes effect September 1, 2011.