

By: Driver

H.B. No. 426

Substitute the following for H.B. No. 426:

By: Simpson

C.S.H.B. No. 426

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Rowlett Pecan Grove Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3895 to read as follows:

CHAPTER 3895. ROWLETT PECAN GROVE MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3895.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Rowlett, Texas.

(3) "Director" means a board member.

(4) "District" means the Rowlett Pecan Grove Management District.

(5) "Improvement project" means any program or project authorized by Section 3895.102, inside or outside the district.

Sec. 3895.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3895.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this

1 chapter. By creating the district and in authorizing the city and
2 other political subdivisions to contract with the district, the
3 legislature has established a program to accomplish the public
4 purposes set out in Section 52-a, Article III, Texas Constitution.

5 (b) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

10 (c) This chapter and the creation of the district may not be
11 interpreted to relieve the city or Dallas County from providing the
12 level of services provided to the area in the district as of the
13 effective date of the Act enacting this chapter. The district is
14 created to supplement and not to supplant the city and county
15 services provided in the district.

16 Sec. 3895.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
17 The district is created to serve a public use and benefit.

18 (b) All land and other property included in the district
19 will benefit from the improvements and services to be provided by
20 the district under powers conferred by Sections 52 and 52-a,
21 Article III, and Section 59, Article XVI, Texas Constitution, and
22 other powers granted under this chapter.

23 (c) The creation of the district is in the public interest
24 and is essential to further the public purposes of:

25 (1) developing and diversifying the economy of the
26 state;

27 (2) eliminating unemployment and underemployment; and

1 (3) developing or expanding transportation and
2 commerce.

3 (d) The district will:

4 (1) promote the health, safety, and general welfare of
5 residents, employers, employees, potential employees, visitors,
6 and consumers in the district, and of the public;

7 (2) provide needed funding for the district to
8 preserve, maintain, and enhance the economic health and vitality of
9 the district territory as a community and business center; and

10 (3) promote the health, safety, welfare, and enjoyment
11 of the public by providing pedestrian ways and by landscaping and
12 developing certain areas in the district, which are necessary for
13 the restoration, preservation, and enhancement of scenic and
14 aesthetic beauty.

15 (e) Pedestrian ways along or across a street, whether at
16 grade or above or below the surface, and street lighting, street
17 landscaping, parking, and street art objects are parts of and
18 necessary components of a street and are considered to be an
19 improvement project that includes a street or road improvement.

20 (f) The district will not act as the agent or
21 instrumentality of any private interest even though the district
22 will benefit many private interests as well as the public.

23 Sec. 3895.005. DISTRICT TERRITORY. (a) The district is
24 composed of the territory described by Section 2 of the Act creating
25 this chapter, as that territory may have been modified under
26 Section 3895.108 or other law.

27 (b) The boundaries and field notes of the district contained

1 in Section 2 of the Act creating this chapter form a closure. A
2 mistake in the field notes of the district contained in Section 2 of
3 the Act creating this chapter or in copying the field notes in the
4 legislative process does not in any way affect the district's:

5 (1) organization, existence, or validity;

6 (2) right to contract, including the right to issue
7 any type of bond or other obligation for a purpose for which the
8 district is created;

9 (3) right to impose or collect an assessment, tax, or
10 any other revenue; or

11 (4) legality or operation.

12 Sec. 3895.006. ELIGIBILITY FOR REINVESTMENT OR ENTERPRISE
13 ZONES. (a) All or any part of the area of the district is eligible,
14 regardless of other statutory criteria, to be included in:

15 (1) a tax increment reinvestment zone created by the
16 city under Chapter 311, Tax Code; or

17 (2) a tax abatement reinvestment zone created by the
18 city under Chapter 312, Tax Code.

19 (b) All or any part of the area of the district is eligible
20 to be nominated for inclusion in an enterprise zone by the city
21 under Chapter 2303, Government Code.

22 Sec. 3895.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
23 DISTRICTS LAW. Except as otherwise provided by this chapter,
24 Chapter 375, Local Government Code, applies to the district.

25 Sec. 3895.008. LIBERAL CONSTRUCTION OF CHAPTER. This
26 chapter shall be liberally construed in conformity with the
27 findings and purposes stated in this chapter.

1 [Sections 3895.009-3895.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 3895.051. BOARD OF DIRECTORS. The district is
4 governed by a board of five directors appointed under Section
5 3895.052 and three directors serving ex officio under Section
6 3895.053.

7 Sec. 3895.052. APPOINTMENT OF DIRECTORS; TERMS. (a) The
8 mayor and governing body of the city shall appoint voting
9 directors. A person is appointed if a majority of the members of
10 the governing body, including the mayor, vote to appoint that
11 person. A member of the governing body of the city may not be
12 appointed to the board.

13 (b) Section 375.063, Local Government Code, does not apply
14 to the district.

15 (c) The appointed directors serve staggered terms of four
16 years, with two or three directors' terms expiring June 1 of each
17 odd-numbered year.

18 (d) A person may not be appointed to the board if the
19 appointment of that person would result in fewer than three of the
20 directors residing in the city.

21 (e) The governing body of the city shall appoint a director
22 to fill a vacancy that occurs on the board.

23 (f) A director is a public official entitled to governmental
24 immunity for the director's official actions.

25 Sec. 3895.053. NONVOTING DIRECTORS. (a) The following
26 persons serve as nonvoting ex officio directors:

27 (1) the manager of the city;

1 (2) the financial director of the city; and

2 (3) the planning director of the city.

3 (b) If an office described by Subsection (a) is renamed,
4 changed, or abolished, the governing body of the city may appoint
5 another city officer or employee who performs duties comparable to
6 those performed by the officer described by Subsection (a).

7 Sec. 3895.054. CONFLICTS OF INTEREST. (a) Except as
8 provided by Section 3895.053 or this section:

9 (1) a director may participate in all board votes and
10 decisions; and

11 (2) Chapter 171, Local Government Code, governs
12 conflicts of interest of board members.

13 (b) A director who has a beneficial interest in a business
14 entity that will receive a pecuniary benefit from an action of the
15 board may participate in discussion and vote on that action if a
16 majority of the board has a similar interest in the same action or
17 if all other similar business entities in the district will receive
18 a similar pecuniary benefit.

19 (c) A director who is also an officer or employee of a public
20 entity may not participate in a discussion of or vote on a matter
21 regarding a contract with that same public entity.

22 Sec. 3895.055. DIRECTOR'S OATH OR AFFIRMATION. A
23 director's oath or affirmation of office shall be filed with the
24 district and the district shall retain the oath or affirmation in
25 the district records.

26 Sec. 3895.056. OFFICERS. The board shall elect from among
27 the directors a chair, vice chair, and secretary.

1 Sec. 3895.057. COMPENSATION OF DIRECTORS; REIMBURSEMENT OF
2 EXPENSES. A director is not entitled to compensation for service on
3 the board but is entitled to be reimbursed for necessary expenses
4 incurred in carrying out the duties and responsibilities of a
5 director.

6 Sec. 3895.058. INITIAL DIRECTORS. (a) The initial board
7 consists of the following directors:

- 8 (1) _____ ;
- 9 (2) _____ ;
- 10 (3) _____ ;
- 11 (4) _____ ; and
- 12 (5) _____ .

13 (b) Of the initial directors, the terms of directors
14 appointed for positions 1 and 2 expire June 1, 2013, and the terms
15 of directors appointed for positions 3 through 5 expire June 1,
16 2015.

17 (c) This section expires September 1, 2015.

18 Sec. 3895.059. QUORUM. For purposes of determining whether
19 a quorum of the board is present, the following are not counted:

- 20 (1) a board position vacant for any reason, including
21 death, resignation, or disqualification;
- 22 (2) a director who is abstaining from participation in
23 a vote because of a conflict of interest; or
- 24 (3) a nonvoting director.

25 [Sections 3895.060-3895.100 reserved for expansion]

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 3895.101. GENERAL POWERS AND DUTIES. The district has

1 the powers and duties provided by:

2 (1) the general laws relating to conservation and
3 reclamation districts created under Section 59, Article XVI, Texas
4 Constitution, including Chapters 49 and 54, Water Code;

5 (2) the general laws relating to road districts and
6 road utility districts created under Section 52(b), Article III,
7 Texas Constitution, including Chapter 441, Transportation Code;

8 (3) Subchapter A, Chapter 372, Local Government Code,
9 in the same manner as a municipality or a county;

10 (4) Chapter 375, Local Government Code; and

11 (5) Chapter 505, Local Government Code, as if the
12 district were a municipality to which that chapter applies.

13 Sec. 3895.102. IMPROVEMENT PROJECTS. (a) The district may
14 provide, or it may enter into contracts with a governmental or
15 private entity to provide, the following types of improvement
16 projects or activities in support of or incidental to those
17 projects:

18 (1) a supply and distribution facility or system to
19 provide potable and city-approved nonpotable water to the residents
20 and businesses of the district, including a wastewater collection
21 facility;

22 (2) a paved road or street, inside and outside the
23 district, to the extent authorized by Section 52, Article III,
24 Texas Constitution;

25 (3) the planning, design, construction, improvement,
26 and maintenance of:

27 (A) landscaping;

- 1 (B) highway right-of-way or transit corridor
2 beautification and improvement;
- 3 (C) lighting, banners, and signs;
4 (D) a street or sidewalk;
5 (E) a hiking and cycling path or trail;
6 (F) a pedestrian walkway, skywalk, crosswalk, or
7 tunnel;
- 8 (G) a park, lake, garden, recreational facility,
9 sports facility, open space, scenic area, or related exhibit or
10 preserve;
- 11 (H) a fountain, plaza, or pedestrian mall; or
12 (I) a drainage or storm-water detention
13 improvement;
- 14 (4) protection and improvement of the quality of storm
15 water that flows through the district;
- 16 (5) the planning, design, construction, improvement,
17 maintenance, and operation of:
- 18 (A) a water or sewer facility; or
19 (B) an off-street parking facility or heliport;
- 20 (6) the planning and acquisition of:
- 21 (A) public art and sculpture and related exhibits
22 and facilities; or
- 23 (B) an educational and cultural exhibit or
24 facility;
- 25 (7) the planning, design, construction, acquisition,
26 lease, rental, improvement, maintenance, installation, and
27 management of and provision of furnishings for a facility for:

- 1 (A) a conference, convention, or exhibition;
- 2 (B) a manufacturer, consumer, or trade show;
- 3 (C) a civic, community, or institutional event;
- 4 or
- 5 (D) an exhibit, display, attraction, special
- 6 event, or seasonal or cultural celebration or holiday;
- 7 (8) the removal, razing, demolition, or clearing of
- 8 land or improvements in connection with an improvement project;
- 9 (9) the acquisition and improvement of land or other
- 10 property for the mitigation of the environmental effects of an
- 11 improvement project;
- 12 (10) the acquisition of property or an interest in
- 13 property in connection with an authorized improvement project;
- 14 (11) a special or supplemental service for the
- 15 improvement and promotion of the district or an area adjacent to the
- 16 district or for the protection of public health and safety in or
- 17 adjacent to the district, including:
- 18 (A) advertising;
- 19 (B) promotion;
- 20 (C) tourism;
- 21 (D) health and sanitation;
- 22 (E) public safety;
- 23 (F) security;
- 24 (G) fire protection or emergency medical
- 25 services;
- 26 (H) business recruitment;
- 27 (I) development;

1 (J) elimination of traffic congestion; and

2 (K) recreational, educational, or cultural
3 improvements, enhancements, and services; or

4 (12) any similar public improvement, facility, or
5 service.

6 (b) The district may not undertake an improvement project
7 under this section unless the board determines the project to be
8 necessary to accomplish a public purpose of the district.

9 (c) An improvement project must comply with any applicable
10 city requirements, including codes and ordinances.

11 (d) The district may not provide, conduct, or authorize any
12 improvement project on the city streets, highways, rights-of-way,
13 or easements without the consent of the governing body of the city.

14 (e) The district shall immediately comply with any city
15 ordinance, order, or resolution that:

16 (1) requires the district to transfer to the city the
17 title to all or any portion of an improvement project; or

18 (2) authorizes the district to own, encumber,
19 maintain, and operate an improvement project, subject to the right
20 of the city to order a conveyance of the project to the city on a
21 date determined by the city.

22 (f) For the purposes of this section, planning, design,
23 construction, improvement, and maintenance of a lake include work
24 done for drainage, reclamation, or recreation.

25 Sec. 3895.103. GENERAL POWERS REGARDING CONTRACTS. (a)
26 The district may:

27 (1) contract with any person to accomplish any

1 district purpose, including a contract for:

2 (A) the payment, repayment, or reimbursement of
3 costs incurred by that person on behalf of the district, including
4 all or part of the costs of an improvement project and interest on
5 the reimbursed cost; or

6 (B) the use, occupancy, lease, rental,
7 operation, maintenance, or management of all or part of a proposed
8 or existing improvement project; and

9 (2) apply for and contract with any person to receive,
10 administer, and perform a duty or obligation of the district under a
11 federal, state, local, or private gift, grant, loan, conveyance,
12 transfer, bequest, or other financial assistance arrangement
13 relating to the investigation, planning, analysis, study, design,
14 acquisition, construction, improvement, completion,
15 implementation, or operation by the district or others of a
16 proposed or existing improvement project.

17 (b) A contract the district enters into to carry out a
18 purpose of this chapter may be on any terms and for any period the
19 board determines, including a negotiable or nonnegotiable note or
20 warrant payable to the city, Dallas County, and any other person.

21 (c) Any person may contract with the district to carry out
22 the purposes of this chapter without further statutory or other
23 authorization.

24 (d) A contract payable from ad valorem taxes for a period
25 longer than one year must be approved by the governing body of the
26 city.

27 Sec. 3895.104. COMPETITIVE BIDDING. Section 375.221, Local

1 Government Code, applies only to a district contract that has a
2 value of more than \$50,000.

3 Sec. 3895.105. ECONOMIC DEVELOPMENT. The district may
4 create economic development programs and exercise the economic
5 development powers that:

6 (1) Chapter 380, Local Government Code, provides to a
7 municipality with a population of more than 100,000; and

8 (2) Chapter 1509, Government Code, provides to a
9 municipality.

10 Sec. 3895.106. RULES; ENFORCEMENT. (a) The district may
11 adopt rules:

12 (1) to administer or operate the district;

13 (2) for the use, enjoyment, availability, protection,
14 security, and maintenance of the district's property and
15 facilities; or

16 (3) to provide for public safety and security in the
17 district.

18 (b) The district may enforce its rules by injunctive relief.

19 (c) To the extent a district rule conflicts with a city rule
20 or order, the city rule or order controls.

21 Sec. 3895.107. NAME CHANGE. The board by resolution may
22 change the district's name. The board shall give written notice of
23 the change to the city.

24 Sec. 3895.108. ADDING OR REMOVING TERRITORY. The board may
25 add or remove territory under Subchapter J, Chapter 49, and Section
26 54.016, Water Code, except that:

27 (1) the addition or removal of the territory must be

1 approved by:

2 (A) the governing body of the city; and

3 (B) the owners of the territory being added or
4 removed;

5 (2) a reference to a tax in Subchapter J, Chapter 49,
6 or Section 54.016, Water Code, means an ad valorem tax; and

7 (3) territory may not be removed from the district if
8 bonds or other obligations of the district payable wholly or partly
9 from ad valorem taxes on the territory are outstanding.

10 Sec. 3895.109. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

12 Sec. 3895.110. DISTRICT EMPLOYEES; TERMS OF EMPLOYMENT;
13 COMPENSATION. The board may employ and establish the terms of
14 employment and compensation of:

15 (1) an executive director or general manager; or

16 (2) any other district employee the board considers
17 necessary.

18 [Sections 3895.111-3895.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 3895.151. GENERAL POWERS REGARDING FINANCIAL MATTERS.

21 Except as provided by Section 3895.161, the district may:

22 (1) impose an ad valorem tax on all taxable property in
23 the district, including industrial, commercial, and residential
24 property, to pay for an improvement project;

25 (2) impose an assessment on property in the district
26 in the manner provided for:

27 (A) a district under Subchapter F, Chapter 375,

1 Local Government Code; or

2 (B) a municipality or county under Subchapter A,
3 Chapter 372, Local Government Code;

4 (3) provide or secure the payment or repayment of the
5 costs and expenses of the establishment, administration, and
6 operation of the district and the district's costs or share of the
7 costs or revenue of an improvement project or district contractual
8 obligation or indebtedness by or through:

9 (A) a lease, installment purchase contract, or
10 other agreement with any person;

11 (B) the imposition of a tax, assessment, user
12 fee, concession fee, or rental charge; or

13 (C) any other revenue or resource of the
14 district;

15 (4) establish user charges related to the operation of
16 storm-water facilities, including the regulation of storm water for
17 the protection of water quality in the district;

18 (5) establish user charges for the use of nonpotable
19 water for irrigation purposes, subject to the approval of the
20 governing body of the city;

21 (6) undertake separately or jointly with other
22 persons, including the city or Dallas County, all or part of the
23 cost of an improvement project, including an improvement project:

24 (A) for improving, enhancing, and supporting
25 public safety and security, fire protection and emergency medical
26 services, and law enforcement in and adjacent to the district; or

27 (B) that confers a general benefit on the entire

1 district or a special benefit on a definable part of the district;
2 and

3 (7) enter into a tax abatement agreement in accordance
4 with the general laws of this state authorizing and applicable to
5 tax abatement agreements by municipalities.

6 Sec. 3895.152. BORROWING MONEY. The district may borrow
7 money for a district purpose by issuing or executing bonds, notes,
8 credit agreements, or other obligations of any kind found by the
9 board to be necessary or appropriate for the district purpose. The
10 bond, note, credit agreement, or other obligation must be secured
11 by and payable from ad valorem taxes, assessments, or other
12 district revenue.

13 Sec. 3895.153. IMPACT FEES AND ASSESSMENTS; EXEMPTION. (a)
14 The district may impose an impact fee or assessment on property in
15 the district, including an impact fee or assessment on residential
16 or commercial property, only in the manner provided by Subchapter
17 A, Chapter 372, or Subchapter F, Chapter 375, Local Government
18 Code, for a municipality, county, or public improvement district,
19 according to the benefit received by the property.

20 (b) An impact fee for residential property must be for the
21 limited purpose of providing capital funding for:

- 22 (1) public water and wastewater facilities;
23 (2) drainage and storm-water facilities; and
24 (3) streets and alleys.

25 (c) An assessment, a reassessment, or an assessment
26 resulting from an addition to or correction of the assessment roll
27 by the district, penalties and interest on an assessment or

1 reassessment, or an expense of collection of an assessment,
2 including reasonable attorney's fees, incurred by the district:

3 (1) is a first and prior lien against the property
4 assessed; and

5 (2) is superior to any other lien or claim other than a
6 lien or claim for county, school district, or municipal ad valorem
7 taxes.

8 (d) The board may make a correction to or deletion from the
9 assessment roll that does not increase the amount of assessment of
10 any parcel of land without providing notice and holding a hearing in
11 the manner required for additional assessments.

12 (e) The district may not impose an impact fee on the
13 property, including equipment and facilities, of a public utility
14 provider in the district.

15 Sec. 3895.154. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
16 Section 375.161, Local Government Code, does not apply to the
17 district.

18 Sec. 3895.155. MAINTENANCE AND OPERATION TAX; ELECTION.

19 (a) Except as provided by Section 3895.161, the district may impose
20 a tax for maintenance and operation purposes, including for:

21 (1) planning, constructing, acquiring, maintaining,
22 repairing, and operating all improvement projects, including land,
23 plants, works, facilities, improvements, appliances, and equipment
24 of the district; and

25 (2) paying costs of services, engineering and legal
26 fees, and organization and administrative expenses.

27 (b) The district may not impose a maintenance and operation

1 tax unless the maximum tax rate is approved by the governing body of
2 the city and a majority of the district voters voting at an election
3 held for that purpose. If the maximum tax rate is approved, the
4 board may impose the tax at any rate that does not exceed the
5 approved rate.

6 (c) A maintenance and operation tax election may be held at
7 the same time and in conjunction with any other district election.
8 The election may be called by a separate election order or as part
9 of any other election order.

10 (d) The proposition in a maintenance and operation tax
11 election may be for a specific maximum rate.

12 Sec. 3895.156. USE OF SURPLUS MAINTENANCE AND OPERATION
13 MONEY. If the district has surplus maintenance and operation tax
14 money that is not needed for the purposes for which it was
15 collected, the money may be used for any authorized purpose.

16 Sec. 3895.157. BOND ISSUANCE PLAN REQUIRED BEFORE ISSUING
17 BONDS. The district may not issue bonds until the governing body of
18 the city approves a bond issuance plan authorizing and setting
19 forth the limitations on the issuance of the bonds.

20 Sec. 3895.158. BONDS AND OTHER OBLIGATIONS; MUNICIPAL
21 APPROVAL. (a) Except as provided by Sections 3895.157 and
22 3895.161, the district may issue, by competitive bid or negotiated
23 sale, bonds, notes, or other obligations payable wholly or partly
24 from ad valorem taxes or assessments in the manner provided by
25 Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local
26 Government Code.

27 (b) In exercising the district's borrowing power, the

1 district may issue a bond or other obligation in the form of a bond,
2 note, certificate of participation or other instrument evidencing a
3 proportionate interest in payments to be made by the district, or
4 other type of obligation.

5 (c) In addition to the sources of money described by
6 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local
7 Government Code, district bonds may be secured and made payable
8 wholly or partly by a pledge of any part of the net proceeds the
9 district receives from any other district revenue.

10 Sec. 3895.159. BOND MATURITY. Bonds must mature not more
11 than 40 years from their date of issue.

12 Sec. 3895.160. TAXES FOR BONDS AND OTHER OBLIGATIONS. (a)
13 At the time bonds or other obligations payable wholly or partly from
14 ad valorem taxes are issued:

15 (1) the board shall impose a continuing direct annual
16 ad valorem tax, without limit as to rate or amount, for each year
17 that all or part of the bonds are outstanding; and

18 (2) the district annually shall impose an ad valorem
19 tax on all taxable property in the district in an amount sufficient
20 to:

21 (A) pay the interest on the bonds or other
22 obligations as the interest becomes due;

23 (B) create a sinking fund for the payment of the
24 principal of the bonds or other obligations when due or the
25 redemption price at any earlier required redemption date; and

26 (C) pay the expenses of imposing the taxes.

27 (b) Bonds or other obligations that are secured by and

1 payable from ad valorem taxes may not be issued unless the bonds and
2 the imposition of the taxes are approved by:

3 (1) a majority of the district voters voting at an
4 election held for that purpose; and

5 (2) the governing body of the city.

6 (c) The district shall hold an election required by this
7 section in the manner provided by Chapter 54, Water Code.

8 Sec. 3895.161. PROJECT DEVELOPMENT AGREEMENT REQUIRED TO
9 IMPOSE TAXES OR BORROW MONEY, INCLUDING BONDS. Before the district
10 may issue bonds, impose taxes, or borrow money, the district and the
11 city must negotiate and execute a mutually approved and accepted
12 interlocal project development agreement regarding the development
13 plans and rules for:

14 (1) the development and operation of the district; and

15 (2) the financing of improvement projects.

16 Sec. 3895.162. CITY NOT REQUIRED TO PAY DISTRICT
17 OBLIGATIONS. Except as provided by Section 375.263, Local
18 Government Code, the city is not required to pay a bond, note, or
19 other obligation of the district.

20 [Sections 3895.163-3895.200 reserved for expansion]

21 SUBCHAPTER E. DISSOLUTION

22 Sec. 3895.201. DISSOLUTION BY CITY ORDINANCE. (a) If the
23 city adopts by a two-thirds vote of its governing body an ordinance
24 to dissolve the district, the district is dissolved.

25 (b) The district may not be dissolved until the district's
26 outstanding indebtedness or contractual obligations payable from
27 ad valorem taxes have been repaid or discharged.

1 (c) The district may not be dissolved until any agreement
2 under Section 3895.161 has been executed and the district's
3 performance under the agreement has been fulfilled, including any
4 right or obligation the district has to reimburse a developer or
5 owner for the costs of improvement projects.

6 Sec. 3895.202. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

7 (a) If the dissolved district has bonds or other obligations
8 outstanding secured by and payable from assessments or other
9 revenue, other than ad valorem taxes, the city succeeds to the
10 rights and obligations of the district regarding enforcement and
11 collection of the assessments or other revenue.

12 (b) If the district is dissolved, the city has and may
13 exercise all district powers to enforce and collect the assessments
14 or other revenue to pay:

15 (1) the bonds or other obligations when due and
16 payable according to their terms; or

17 (2) special revenue or assessment bonds or other
18 obligations issued by the city to refund the outstanding bonds or
19 obligations.

20 Sec. 3895.203. ASSUMPTION OF ASSETS AND LIABILITIES. (a)
21 The district may not be dissolved by the city unless the city
22 assumes the obligations of the district, including any bonds or
23 other indebtedness payable from assessments or other district
24 revenue.

25 (b) If the city dissolves the district, the board shall
26 transfer ownership of all district property to the city.

27 SECTION 2. The Rowlett Pecan Grove Management District

1 initially includes all territory contained in the following area:

2 TRACT 1: BEING Lots 1 and 2, in Block A of Pecan Grove Park
3 Addition, an Addition to the City of Rowlett, Dallas County, Texas,
4 according to the Map thereof recorded under cc#200600238026, Real
5 Property Records of Dallas County, Texas; and

6 TRACT 2: BEING all that certain lot, tract or parcel of land
7 situated in the Thomas Lumley Survey, Abstract No. 789, City of
8 Rowlett, Dallas County, Texas, and being a part of a 87.934 acres
9 tract of land as described in a Special Warranty deed from Garland
10 Independent School District to City of Rowlett, dated August 27,
11 1997 and being recorded in Volume 97175, Page 1103 of the Deed
12 Records of Dallas County, Texas, and being more particularly
13 described as follows:

14 BEGINNING at a 3/8" iron rod found for corner in the east
15 right-of-way line of Kirby Road (variable width right-of-way) and
16 in the meanders of a creek, said point being at the west most
17 northwest corner of said 87.934 acres tract and at the southwest
18 corner of Lot 1, Block A, Rowlett High School, an Addition to the
19 City of Rowlett, Texas, according to the Map thereof recorded in
20 Volume 94179, Page 1344 of the Map Records of Dallas County, Texas;

21 THENCE in an easterly direction along the south line of said
22 Addition and generally along the meanders of said creek as follows:

- 23 S. 26 deg. 27 min. 49 sec. E. a distance of 111.48 feet;
- 24 N. 70 deg. 10 min. 55 sec. E. a distance of 260.00 feet;
- 25 S. 79 deg. 19 min. 59 sec. E. a distance of 195.00 feet;
- 26 N. 81 deg. 03 min. 35 sec. E. a distance of 110.00 feet;
- 27 S. 51 deg. 03 min. 57 sec. E. a distance of 60.00 feet;

1 N. 79 deg. 18 min. 55 sec. E. a distance of 175.00 feet;
2 S. 38 deg. 56 min. 57 sec. E. a distance of 142.00 feet;
3 N. 57 deg. 52 min. 19 sec. E. a distance of 115.00 feet;
4 S. 15 deg. 11 min. 06 sec. E. a distance of 108.00 feet;
5 S. 19 deg. 47 min. 39 sec. W. a distance of 106.00 feet;
6 S. 78 deg. 40 min. 34 sec. E. a distance of 335.00 feet;
7 S. 13 deg. 24 min. 39 sec. E. a distance of 92.20 feet;
8 THENCE N. 59 deg. 02 min. 24 sec. E. leaving the meanders of
9 said creek and continuing along the south line of said Addition, a
10 distance of 219.48 feet to a 1/2" iron rod found for corner at the
11 southeast corner of said Addition and being in the west line of a
12 100 foot T.P. & L. Co. easement as recorded in Volume 67115, Page
13 202 of the Deed Records of Dallas County, Texas;
14 THENCE N. 00 deg. 55 min. 24 sec. W. along the east line of
15 said Addition, a distance of 500.14 feet to a 5/8" iron rod found
16 for corner at the southwest corner of Lot 2, Block A, of Pecan Grove
17 Park Addition, an Addition to the City of Rowlett, Dallas County,
18 Texas, according to the Map thereof recorded under cc#200600238026,
19 Real Property Records of Dallas County, Texas;
20 THENCE N. 89 deg. 04 min. 17 sec. E. along the south line of
21 said Lot 2, a distance of 936.07 feet to a 5/8" iron rod found for
22 corner at the southeast corner of Lot 2 and the south most southwest
23 corner of said Lot 1;
24 THENCE N. 68 deg. 17 min. 12 sec. E. along the southeast line
25 of said Lot 1, a distance of 800.60 feet to a 5/8" iron rod found for
26 corner in the southwest right-of-way line of Dallas Area Rapid
27 Transit (100' R.O.W.)

1 THENCE S. 45 deg. 29 min. 56 sec. E. along said right-of-way
2 line, a distance of 97.69 feet to a 1/2" iron rod found for corner in
3 the west take line of the City of Dallas for Lake Ray Hubbard as
4 recorded in Volume 69061, Page 970 of the Deed Records of Dallas
5 County, Texas;

6 THENCE S. 18 deg. 04 min. 52 sec. E. along said take line, a
7 distance of 338.92 feet to a concrete monument with brass disk
8 marked "City of Dallas Water Dept. U-10-2" found for corner;

9 THENCE S. 02 deg. 36 min. 36 sec. E. along said take line, a
10 distance of 502.17 feet to a concrete monument with brass disk
11 marked "City of Dallas Water Dept. U-6-2" found for corner;

12 THENCE S. 19 deg. 09 min. 28 sec. W. along said take line, a
13 distance of 477.18 feet to a broken concrete monument with brass
14 disk marked "City of Dallas Water Dept. U-6-1" found for corner;

15 THENCE S. 89 deg. 19 min. 30 sec. W. along the north line of a
16 2.29 acres tract as described in a Deed to Singh Lalsingh Sanker, as
17 recorded in Volume 87085, Page 4639 of the Deed Records of Dallas
18 County, Texas, a distance of 705.12 feet to a 1/2" iron rod found
19 for corner in the east right-of-way line of Miller Heights Drive
20 (60' R.O.W.);

21 THENCE N. 02 deg. 54 min. 52 sec. E., along said right-of-way
22 line, a distance of 10.12 feet to a 1/2" iron rod found for corner;

23 THENCE S. 89 deg. 18 min. 25 sec. W. along said right-of-way
24 line, a distance of 2546.89 feet to a 1/2" iron rod found for corner
25 in the east right-of-way line of Kirby Road and being at the
26 southwest corner of said 87.934 acres tract;

27 THENCE N. 00 deg. 54 min. 25 sec. W. along said right-of-way

1 line, a distance of 569.41 feet to a 1/2" iron rod found for corner;
2 THENCE N. 05 deg. 30 min. 22 sec. E. along said right-of-way
3 line, a distance of 200.25 feet to a 1/2" iron rod found for corner;
4 THENCE N. 00 deg. 57 min. 36 sec. W. along said right-of-way
5 line, a distance of 123.69 feet to the POINT OF BEGINNING and
6 containing 3,171.925 square feet or 72.82 acres of land.

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

14 (b) The governor, one of the required recipients, has
15 submitted the notice and Act to the Texas Commission on
16 Environmental Quality.

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

21 (d) The general law relating to consent by political
22 subdivisions to the creation of districts with conservation,
23 reclamation, and road powers and the inclusion of land in those
24 districts has been complied with.

25 (e) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act have been

1 fulfilled and accomplished.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.