

By: Sheffield

H.B. No. 2521

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Bell County Municipal Utility
3 District No. 1; providing authority to impose a tax and issue bonds;
4 granting a limited power of eminent domain.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8372 to read as follows:

8 CHAPTER 8372. BELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8372.001. DEFINITIONS. In this chapter:

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

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

14 (3) "Director" means a board member.

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

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

20 Sec. 8372.003. CONFIRMATION AND DIRECTORS' ELECTION
21 REQUIRED. The temporary directors shall hold an election to
22 confirm the creation of the district and to elect five permanent
23 directors as provided by Section 49.102, Water Code.

24 Sec. 8372.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8372.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located has
4 consented by ordinance or resolution to the creation of the
5 district and to the inclusion of land in the district.

6 Sec. 8372.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

7 The district is created to serve a public purpose and benefit.

8 (b) The district is created to accomplish the purposes of:

9 (1) a municipal utility district as provided by
10 general law and Section 59, Article XVI, Texas Constitution; and

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

16 Sec. 8372.006. INITIAL DISTRICT TERRITORY. (a) The

17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 [Sections 8372.007-8372.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

10 (1) Roger Hunter;

11 (2) Randy Reding;

12 (3) David Barr;

13 (4) Karen Walinder; and

14 (5) David Lazar.

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

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

18 (2) September 1, 2015.

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

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

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

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

8 [Sections 8372.053-8372.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

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

8 (2) the Texas Transportation Commission has approved
9 the plans and specifications of the road project, if the state will
10 operate and maintain the road.

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

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

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

24 (1) a road project authorized by Section 8372.103; or

25 (2) a recreational facility as defined by Section
26 49.462, Water Code.

27 [Sections 8372.107-8372.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

5 (1) revenue other than ad valorem taxes; or

6 (2) contract payments described by Section 8372.153.

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

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

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

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

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

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 [Sections 8372.154-8372.200 reserved for expansion]

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

22 SECTION 2. The Bell County Municipal Utility District No. 1
23 initially includes all the territory contained in the following
24 area:

25 Being all that certain tract or parcel of land situated in the C. H.
26 Fitch Survey, A-316, the John Lewis Survey, A-512, the S.C. Fitch
27 Survey, A-371, and the Young Williams Survey, A-861, Bell County,

1 Texas, being all of Tract One (called 442.51 acres), Tract Two
2 (called 23.923 acres), and Tract 4 (called 8.440 acres) described
3 in deed to Weldon Whitis and Bruce Whitis in Volume 4441, Page 575,
4 Official Records, Bell County, Texas, and all of that certain
5 called 64.7 acre tract described in deed to Whitis Land
6 Investments, Ltd., in Volume 6622, Page 114, Official Records, Bell
7 County, Texas, and being more particularly described by metes and
8 bounds as follows:

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

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

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

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

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

- 26 1. S 10°13'31" W, 26.66 feet;
- 27 2. S 29°13'59" E, 10.60 feet;

1 3. S 01°30'59" E 14.54 feet;
2 4. S 43°00'42" W, 24.35 feet;
3 5. S 61°37'21" W, 12.89 feet;
4 6. S 14°33'54" W, 88.90 feet, to an iron pipe in a fence corner, for
5 an ell corner;
6 THENCE N 71°44'38" W, 190.17 feet, westerly, along a north line of
7 said Tract Three to an iron rod in the north line of said Tract One;
8 THENCE in a westerly direction along the north line of said Tract
9 One with the following courses:
10 1. N 70°34'14" W, 44.59 feet, an iron rod for corner;
11 2. N 72°25'22" W, 616.92 feet, an iron rod for corner;
12 3. N 74°43'06" W, 507.39 feet, an iron rod in the east line of said
13 64.7 acre tract, for corner;
14 THENCE N 15°55'53" E, 851.78 feet, westerly, along an east line of
15 said 64.7 acre tract to a cedar, for the northeast corner of said
16 64.7 acre tract;
17 THENCE in a westerly direction a the north line of said 64.7 acre
18 tract with the following courses:
19 1. N 48°17'37" W, 82.11 feet, a post for corner;
20 2. N 28°55'27" W, 225.01 feet, a post for corner;
21 3. N 58°18'37" W, 18.24 feet, an elm for corner;
22 4. N 75°42'40" W, 266.08 feet, an iron rod for corner;
23 5. N 75°23'12" W, 237.82 feet, an iron rod for corner;
24 6. N 73°19'20" W, 164.19 feet, an iron rod for the northeast corner
25 of Lot 5, Block 6, Stoneoak Subdivision, Phase 2, recorded in
26 Cabinet B, Slide 334-B, Plat Records, Bell County, Texas, for
27 corner of the herein described tract;

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

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

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

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

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

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

22 THENCE N 53°50'25" W, 155.91 feet, along the south line of said Lot
23 1, Block 1, to an iron rod in the east margin of FM 1670, for corner;

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

27 THENCE along the easterly and southerly boundaries of Lot Lot 6,

1 Block 1, Stoneoak Subdivision, Phase 1, with the following courses:

2 1. S 53°56'27" E, 155.87 feet, an iron rod for corner;

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

6 THENCE along the southeasterly along the southerly boundary of said
7 64.7 acre tract with the following courses:

8 1. S 56°19'35" E, 696.11 feet, an iron rod, for corner;

9 2. N 23°01'40" E, 18.36 feet, an iron rod, for corner;

10 3. S 47°22'19" E, 1346.71 feet, an iron rod, in the west line of
11 said Tract One and an ell corner of the herein described tract;

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

14 1. S 45°43'29" W, 521.79 feet, an iron rod, for corner;

15 2. S 28°59'19" W, 430.76 feet, an iron rod, for corner;

16 3. S 15°02'24" W, 590.71 feet, a 12" cedar, for corner;

17 4. S 31°13'21" W, 11.21 feet, a 12" cedar, for corner;

18 5. S 28°24'41" W, 2.53 feet, an iron rod for the north corner of the
19 called 8.12 acre tract described in deed to the United States of
20 America in Volume 874, Page 283, Deed Records of Bell County, Texas;

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

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

27 THENCE S 78°41'13" E, 2847.43 feet, along a south line of said Tract

1 One and existing fence to an iron pipe in a fence corner, same being
2 an ell corner of the herein described tract;

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

4 THENCE in a easterly direction 100' north of an parallel to the
5 south line of said Tract One, south line of said Tract Two, and left
6 bank of the Lampasas River with the following courses:

7 1. N 59°59'13" E, 125.67 feet, a point, for corner;

8 2. N 78°13'20" E, 288.55 feet, a point, for corner;

9 3. S 69°41'17" E, 72.82 feet, a point, for corner;

10 4. S 67°06'56" E, 275.14 feet, a point, for corner;

11 5. S 58°22'11" E, 271.35 feet, a point, for corner

12 6. S 46°50'39" E, 512.57 feet, a point, for corner;

13 7. S 26°54'16" E, 299.38 feet, a point, for corner;

14 8. S 43°48'14" E, 309.26 feet, a point, for the southeast corner of
15 the herein described tract;

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

19 1. N 14°02'58" E, 481.07 feet, a post, for corner;

20 2. N 02°07'12" W, 180.92 feet, a post, for corner;

21 3. N 10°32'57" E, 614.21 feet, a post, for corner;

22 4. N 49°54'32" E, 229.03 feet, a fence corner post for the
23 northeast corner of said Tract Two;

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

27 1. N 72°21'30" W, 39.54 feet, an iron rod, for corner;

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

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

- 7 1. N 53°59'40" E, 167.20 feet, an iron rod, for corner;
- 8 2. N 59°20'36" E, 58.19 feet, an iron rod, for corner;
- 9 3. N 62°55'16" E, 71.72 feet, an iron rod, for corner;
- 10 4. N 69°11'44" E, 68.89 feet, a an iron rod, for corner;
- 11 5. N 62°45'31" E, 112.05 feet, an iron rod, for corner;
- 12 6. N 73°56'23" E, 35.96 feet, an iron rod, for corner;
- 13 7. N 61°52'10" E, 86.51 feet, an iron rod, for corner;
- 14 8. N 51°31'36" E, 274.08 feet, an iron rod, for corner;
- 15 9. N 45°30'37" E, 58.94 feet, an iron rod, for corner;
- 16 10. N 35°22'34" E, 111.93 feet, an iron rod, for corner;
- 17 11. N 24°37'26" E, 55.46 feet, an iron rod, for corner;
- 18 12. N 02°52'20" E, 61.55 feet, an iron rod, for corner;
- 19 13. N 05°33'08" W, 125.86 feet, an iron rod, for corner;
- 20 14. N 42°54'00" W, 25.42 feet, an iron rod, for corner;
- 21 15. N 83°42'20" W, 111.89 feet, a post, for corner;
- 22 16. N 79°38'56" W, 59.70 feet, an iron rod, for corner;
- 23 17. N 12°35'12" E, 319.71 feet, a 14" cedar, for corner;
- 24 18. N 03°59'50" E, 60.17 feet, an iron rod, for corner;
- 25 19. N 00°04'49" E, 10.78 feet, an iron rod, for corner;
- 26 20. N 24°58'14" E, 56.12 feet, an iron rod, for corner;
- 27 21. N 12°05'54" E, 554.94 feet, an iron rod, for corner;

1 22. N 14°09'42" W, 13.29 feet, an iron rod, for corner;
2 23. N 54°33'04" W, 43.94 feet, an iron rod, for corner;
3 24. N 67°13'03" W, 67.22 feet, an iron rod, for corner;
4 25. N 15°57'36" E, 766.87 feet, an iron rod in a fence corner, same
5 being the most easterly northeast corner of said Tract One, for
6 corner of the herein described tract;
7 THENCE N 76°03'02" W, 608.28 feet, along the fenced north line of
8 said Tract One to an iron rod in a fence corner for an ell corner of
9 the herein described tract;
10 THENCE N 16°06'35" E, 385.98 feet, along a fenced east line of said
11 Tract One to an iron pipe in a fence corner for corner;
12 THENCE N 74°31'12" W, 801.90 feet, along a fenced north line of said
13 Tract One to an iron pipe in a fence corner for corner;
14 THENCE S 16°27'16" W, 399.55 feet, along a fenced line of said Tract
15 One to an iron pipe in a fence corner for corner;
16 THENCE N 71°41'44" W, 1155.49 feet, along a fenced north line of said
17 Tract One to an iron rod for the southeast corner of said Tract
18 Three (called 6.747 acres), for corner;
19 THENCE N 71°42'51" W, 62.25 feet along the south line of said Tract
20 Three and north line of said Tract One to the PLACE OF BEGINNING and
21 containing a called mathematical total of 534.66 acres of land,
22 more or less.

23 SECTION 3. (a) The legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2 Government Code.

3 (b) The governor, one of the required recipients, has
4 submitted the notice and Act to the Texas Commission on
5 Environmental Quality.

6 (c) The Texas Commission on Environmental Quality has filed
7 its recommendations relating to this Act with the governor, the
8 lieutenant governor, and the speaker of the house of
9 representatives within the required time.

10 (d) All requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act are fulfilled
13 and accomplished.

14 SECTION 4. (a) Section 8372.106, Special District Local
15 Laws Code, as added by Section 1 of this Act, takes effect only if
16 this Act receives a two-thirds vote of all the members elected to
17 each house.

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

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

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

27 SECTION 5. Except as provided by Section 4 of this Act, this

H.B. No. 2521

1 Act takes effect September 1, 2011.