

By: Watson

S.B. No. 1916

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Southeast Travis County Municipal Utility District No. 4; 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 8_____ to read as follows:

CHAPTER 8____. SOUTHEAST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT

NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8____.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Southeast Travis County Municipal Utility District No. 4.

Sec. 8____.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8____.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. 8____.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8____.003

1 until each municipality in whose corporate limits or
2 extraterritorial jurisdiction the district is located has
3 consented by ordinance or resolution to the creation of the
4 district and to the inclusion of land in the district.

5 Sec. 8____.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

6 (a) The district is created to serve a public purpose and benefit.

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

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

10 (2) Section 52, Article III, Texas Constitution, that
11 relate to the construction, acquisition, improvement, operation,
12 or maintenance of macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 8____.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

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

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8____.007-8____.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8____.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8____.052, directors serve staggered four-year terms.

Sec. 8____.052. TEMPORARY DIRECTORS.

(a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8____.003; or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8____.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 8____.003; or

(2) the fourth anniversary of the date of the 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 8____.053-8____.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8____.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. 8____.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. 8____.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. 8____.104. APPROVAL OF ROAD PROJECT. (a) The district
2 may not undertake a road project authorized by Section 8____.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. 8____.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. 8____.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 8____.103; or
25 (2) a recreational facility as defined by Section
26 49.462, Water Code.

27 [Sections 8____.107-8____.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8____.151. ELECTIONS REGARDING TAXES OR BONDS.

3 (a) The 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 8____.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. 8____.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8____.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. 8____.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 8____.154-8____.200 reserved for expansion]

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5 Sec. 8____.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. 8____.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. 8____.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 Southeast Travis County Municipal Utility
23 District No. 4 initially includes all the territory contained in
24 the following area:

25 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF
26 THE JOSE ANTONIO NAVARRO SURVEY, ABSTRACT 18, SITUATED IN TRAVIS
27 COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED

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1 AS BEING A PORTION OF THAT CERTAIN 74.590 ACRE TRACT OF LAND
2 CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER 2008139825, A PORTION
3 OF THAT CERTAIN 362.872 ACRE TRACT OF LAND CONVEYED TO QUALICO CR,
4 LP IN DOCUMENT NUMBER 2008082363, ALL OF THAT CERTAIN 184.382 ACRE
5 TRACT OF LAND CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER
6 2010119925 AND A PORTION OF THAT CERTAIN 161.518 ACRE TRACT OF LAND
7 CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER 2009141317 ALL OF THE
8 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND
9 BEING 378.452 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS
10 AS FOLLOWS:

11 BEGINNING, at an iron rod found at the southeast corner of said
12 74.590 acre Qualico CR, LP tract, also being the southwest corner of
13 said 161.518 acre Qualico CR, LP tract, also being a point on the
14 northern right-of-way line of Pearce Lane, a varying width public
15 roadway, for the POINT OF BEGINNING of the herein described tract,
16 THENCE, with the southern boundary line of said 74.590 acre Qualico
17 CR, LP tract and the northern right-of-way line of said Pearce Lane,
18 the following two (2) courses and distances numbered 1 and 2,

19 1. N64°19'11"W a distance of 92.92 feet to an iron rod
20 found at the point of curvature to the left,

21 2. with said curve to the left having a radius of
22 9419.72 feet, an arc length of 502.24 feet, and whose chord
23 bears N65°59'24"W, a distance of 502.18 feet to an iron rod
24 found,

25 THENCE, leaving the northern right-of-way line of said Pearce Lane,
26 and crossing said 74.590 acre Qualico CR, LP tract, the said 161.518
27 acre Qualico CR, LP tract, and the 362.872 acre Qualico CR, LP tract

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1 , the following twelve (12) courses and distances, numbered 1
2 through 12,

3 1. N59°39'27"E, a distance of 145.30 feet to a
4 calculated point,

5 2. S77°46'45"E, a distance of 440.15 feet to a
6 calculated point,

7 3. S84°08'57"E, a distance of 722.01 feet to a
8 calculated point,

9 4. N45°54'29"E, a distance of 698.92 feet to a
10 calculated point,

11 5. N08°39'51"E, a distance of 919.38 feet to a
12 calculated point,

13 6. N55°53'27"W, a distance of 506.81 feet to a
14 calculated point,

15 7. N16°17'52"W, a distance of 1014.45 feet to a
16 calculated point,

17 8. N62°26'37"E, a distance of 544.11 feet to a
18 calculated point,

19 9. N30°27'47"E, a distance of 295.08 feet to a
20 calculated point,

21 10. N18°05'14"W, a distance of 633.66 feet to a
22 calculated point,

23 11. N31°33'30"E, a distance of 578.23 feet to a
24 calculated point,

25 12. N30°19'13"E, a distance of 1597.94 feet to an iron
26 rod found on the north line of said 362.872 acre Qualico CR,
27 LP tract, and in the south line of a 147.806 acre tract

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1 conveyed to Gregory C. Weiss and Virginia G. Bassett tract,
2 recorded in Document Number 2006186612,
3 THENCE, with the common southern boundary line of said 147.806 acre
4 Gregory C. Weiss and Virginia G. Bassett tract and the northern
5 boundary line of said 362.872 acre Qualico CR, LP tract,
6 S63°19'24"E, a distance of 699.61 feet to the northwest corner of
7 said 184.382 Qualico CR, LP tract,
8 THENCE, with the common southern boundary line of said 147.806 acre
9 Gregory C. Weiss and Virginia G. Bassett tract and the northern
10 boundary line of said 184.382 acre Qualico CR, LP tract,
11 S63°21'31"E, a distance of 2403.99 feet to an iron rod found at the
12 northeast corner of said 184.382 acre Qualico CR, LP tract, also
13 being in the westerly right-of-way line of Wolfe Lane, a varying
14 width public roadway,
15 THENCE, with the common boundary line of said 184.382 acre Qualico
16 CR, LP tract and the west right-of-way line of said Wolfe Lane, the
17 following nine (9) courses and distances, numbered 1 through 9,
18 1. S28°41'05"W, a distance of 93.30 feet to an iron rod
19 found,
20 2. S28°01'16"W, a distance of 387.32 feet to an iron rod
21 found,
22 3. S27°56'22"W, a distance of 289.74 feet to an iron rod
23 found,
24 4. S27°35'22"W, a distance of 341.84 feet to an iron rod
25 found,
26 5. S27°21'56"W, a distance of 191.88 feet to an iron rod
27 found,

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6. S26°52'52"W, a distance of 541.29 feet to an iron rod found,

7. S27°04'44"W, a distance of 1120.79 feet to an iron rod found,

8. S27°32'04"W, a distance of 329.70 feet to an iron rod found,

9. S27°38'13"W, a distance of 195.47 feet to an iron rod found, in the west right-of-way line of said Wolfe Lane and in the west line of said 161.518 acre Qualico CR, LP tract,

THENCE, with the common boundary line of said 161.518 acre Qualico CR, LP tract and the west right-of-way line of said Wolfe Lane, the following two (2) courses and distances, numbered 1 and 2,

1. S27°17'41"W, a distance of 103.86 feet to an iron rod found,

2. S27°06'59"W, a distance of 2038.07 feet to a calculated point,

THENCE, leaving right-of-way line of said Wolfe Lane and crossing said 161.518 acre Qualico CR, LP tract, S39°14'43"W, a distance of 856.86 feet to an iron rod found in the south line of said 161.518 acre Qualico CR, LP tract, also being in the northerly right-of-way line of said Pearce Lane, for the point of curvature to the left,

THENCE, with the common boundary line of said 161.518 acre Qualico CR, LP tract and the north right-of-way line of said Pearce Lane, the following six (6) courses and distances, numbered 1 through 6,

1. with said curve to the left having a radius of 2576.23 feet, an arc length of 451.04 feet, and whose chord bears N46°34'33"W, a distance of 450.46 feet to an iron rod

1 found,

2 2. N51°35'30"W, a distance of 194.12 feet to an iron rod
3 found at the point of curvature to the left,

4 3. with said curve to the left having a radius of
5 8327.42 feet, an arc length of 502.55 feet, and whose chord
6 bears N53°20'29"W, a distance of 502.47 feet to an iron rod
7 found,

8 4. N55°04'13"W, a distance of 181.98 feet to an iron rod
9 found at the point of curvature to the left,

10 5. with said curve to the left having a radius of
11 3174.03 feet, an arc length of 506.11 feet, and whose chord
12 bears N59°48'40"W, a distance of 505.58 feet to an iron rod
13 found and

14 6. N64°22'45"W, a distance of 434.44 feet to the POINT OF
15 BEGINNING, and containing 378.452 acres of land.

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

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 4. (a) Section 8____.106, Special District Local
8 Laws Code, as added by Section 1 of this Act, takes effect only if
9 this Act receives a two-thirds vote of all the members elected to
10 each house.

11 (b) If this Act does not receive a two-thirds vote of all
12 members elected to each house, Subchapter C, Chapter 8____, Special
13 District Local Laws Code, as added by Section 1 of this Act, is
14 amended by adding Section 8____.106 to read as follows:

15 Section 8____.106. NO EMINENT DOMAIN POWER. The District may
16 not exercise the power of eminent domain.

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

20 SECTION 5. Except as provided by Section 4 of this Act:

21 (1) this Act takes effect immediately if it receives a
22 vote of two-thirds of all members elected to each house, as provided
23 by Section 39, Article III, Texas Constitution; and

24 (2) if this Act does not receive the vote necessary for
25 immediate effect, this Act takes effect September 1, 2011.