

1-1 By: Creighton (Senate Sponsor - Williams) H.B. No. 1588  
 1-2 (In the Senate - Received from the House May 17, 2013;  
 1-3 May 17, 2013, read first time and referred to Committee on  
 1-4 Administration; May 20, 2013, reported favorably by the following  
 1-5 vote: Yeas 5, Nays 0; May 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the creation of the Montgomery County Municipal Utility  
 1-18 District No. 133; granting a limited power of eminent domain;  
 1-19 providing authority to issue bonds; providing authority to impose  
 1-20 assessments, fees, or taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
 1-23 Code, is amended by adding Chapter 8457 to read as follows:

1-24 CHAPTER 8457. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 133

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8457.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on  
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Montgomery County Municipal  
 1-32 Utility District No. 133.

1-33 Sec. 8457.002. NATURE OF DISTRICT. The district is a  
 1-34 municipal utility district created under Section 59, Article XVI,  
 1-35 Texas Constitution.

1-36 Sec. 8457.003. CONFIRMATION AND DIRECTORS' ELECTION  
 1-37 REQUIRED. The temporary directors shall hold an election to  
 1-38 confirm the creation of the district and to elect five permanent  
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8457.004. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-41 temporary directors may not hold an election under Section 8457.003  
 1-42 until each municipality in whose corporate limits or  
 1-43 extraterritorial jurisdiction the district is located has  
 1-44 consented by ordinance or resolution to the creation of the  
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 8457.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by  
 1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that  
 1-52 relate to the construction, acquisition, improvement, operation,  
 1-53 or maintenance of macadamized, graveled, or paved roads, or  
 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8457.006. INITIAL DISTRICT TERRITORY. (a) The  
 1-56 district is initially composed of the territory described by  
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of  
 1-59 the Act enacting this chapter form a closure. A mistake made in the  
 1-60 field notes or in copying the field notes in the legislative process  
 1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8457.051. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8457.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 8457.052. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 8457.003; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 8457.003 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 8457.003; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8457.101. GENERAL POWERS AND DUTIES. The district has

2-42 the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 8457.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 8457.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8457.104. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards, zoning and

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 8457.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under  
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the  
3-3 creation of the district or to the inclusion of land in the  
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 8457.151. ELECTIONS REGARDING TAXES OR BONDS. (a)

3-7 The district may issue, without an election, bonds and other  
3-8 obligations secured by:

3-9 (1) revenue other than ad valorem taxes; or

3-10 (2) contract payments described by Section 8457.153.

3-11 (b) The district must hold an election in the manner  
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-13 before the district may impose an ad valorem tax or issue bonds  
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem  
3-16 taxes to finance a road project unless the issuance is approved by a  
3-17 vote of a two-thirds majority of the district voters voting at an  
3-18 election held for that purpose.

3-19 Sec. 8457.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-20 authorized at an election held under Section 8457.151, the district  
3-21 may impose an operation and maintenance tax on taxable property in  
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not  
3-24 exceed the rate approved at the election.

3-25 Sec. 8457.153. CONTRACT TAXES. (a) In accordance with  
3-26 Section 49.108, Water Code, the district may impose a tax other than  
3-27 an operation and maintenance tax and use the revenue derived from  
3-28 the tax to make payments under a contract after the provisions of  
3-29 the contract have been approved by a majority of the district voters  
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a  
3-32 provision stating that the contract may be modified or amended by  
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 8457.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-36 OBLIGATIONS. The district may issue bonds or other obligations  
3-37 payable wholly or partly from ad valorem taxes, impact fees,  
3-38 revenue, contract payments, grants, or other district money, or any  
3-39 combination of those sources, to pay for any authorized district  
3-40 purpose.

3-41 Sec. 8457.202. TAXES FOR BONDS. At the time the district  
3-42 issues bonds payable wholly or partly from ad valorem taxes, the  
3-43 board shall provide for the annual imposition of a continuing  
3-44 direct ad valorem tax, without limit as to rate or amount, while all  
3-45 or part of the bonds are outstanding as required and in the manner  
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 8457.203. BONDS FOR ROAD PROJECTS. At the time of  
3-48 issuance, the total principal amount of bonds or other obligations  
3-49 issued or incurred to finance road projects and payable from ad  
3-50 valorem taxes may not exceed one-fourth of the assessed value of the  
3-51 real property in the district.

3-52 SECTION 2. The Montgomery County Municipal Utility District  
3-53 No. 133 initially includes all the territory contained in the  
3-54 following area:

3-55 BEING 342.842 acres of land located in the Elijah Collard  
3-56 Survey, Abstract Number 7 and the Martin P. Clark Survey, Abstract  
3-57 Number 148, Montgomery County, Texas being all of the Foster  
3-58 Collard Tract Area 1, all of the Foster Collard Tract Area 2, all of  
3-59 the Foster Collard Tract Area 3 and a part of the Foster Clark Tract  
3-60 described in the Development Agreement of record under File Number  
3-61 2010019564 in the Official Public Records of Montgomery County,  
3-62 Texas (M.C.O.P.R.), said 342.842 acres being more particularly  
3-63 described by metes and bounds (in three parts) as follows, all  
3-64 bearings are referenced to the Silver City Colored Subdivision, a  
3-65 subdivision of record in Volume 5, Page 7 of the Map Records of  
3-66 Montgomery County, Texas (M.C.M.R.):

3-67 TRACT ONE - 20.64 ACRES

3-68 BEGINNING at the northwest corner of said Foster Collard  
3-69 Tract Area 1, same being the northwest corner of the herein

4-1 described tract;

4-2 Thence, South 75° 00' 00" East, along the north line of said

4-3 Foster Collard Tract Area 1, 2,064.36 feet to a point for the

4-4 northeast corner of the herein described tract, same being the

4-5 northeast corner of said Foster Collard Tract Area 1 on the west

4-6 line of Longmire Road;

4-7 Thence, South 10° 40' 00" West, along said west line, 433.33

4-8 feet to a point for the southeast corner of the herein described

4-9 tract, same being the southeast corner of said Foster Collard Tract

4-10 Area 1 on the north line of League Line Road;

4-11 Thence, North 75° 00' 00" West, along said north line,

4-12 2,097.10 feet to a point for the southwest corner of the herein

4-13 described tract, same being the southwest corner of said Foster

4-14 Collard Tract Area 1;

4-15 Thence, North 15° 00' 00" East, along the west line of said

4-16 Foster Collard Tract Area 1, 432.09 feet to the POINT OF BEGINNING

4-17 and containing 20.640 acres of land.

4-18 TRACT TWO - 297.286 ACRES

4-19 BEGINNING at the northwest corner of the aforementioned

4-20 Foster Collard Tract Area 2, same being the northwest corner of the

4-21 herein described tract on the east line of Longmire Road;

4-22 Thence, South 75° 00' 00" East, along the north line of said

4-23 Foster Collard Tract Area 2, 2,145.72 feet to a point for the

4-24 northeast corner of said Foster Collard Tract Area 2 on the west

4-25 line of the aforementioned Foster Clark Tract, same being the

4-26 common survey line between the aforementioned Collard and Clark

4-27 Surveys;

4-28 Thence, North 15° 00' 00" East, along said west line and said

4-29 common line, 4,616.66 feet to a point for the northwest corner of

4-30 the herein described tract;

4-31 Thence, over and across said Foster Clark Tract the following

4-32 for (4) courses;

4-33 1) South 76° 33' 47" East, 842.01 feet to a point for corner,

4-34 the beginning of a non-tangent curve to the right;

4-35 2) Along the arc of said curve to the right having a radius

4-36 of 500.00 feet, a central angle of 31° 45' 29", an arc length of

4-37 277.14 feet and a chord that bears South 61° 27' 52" East, 273.61

4-38 feet to a point for corner at the end of said curve;

4-39 3) North 50° 44' 32" East, 880.76 feet to a point for corner;

4-40 4) South 27° 18' 48" East, 2,162.16 feet to a point for the

4-41 northeast corner of the herein described tract on an east line of

4-42 the aforementioned Foster Clark Tract, same being the west line of

4-43 the Final Plat of Teas Lakes Section Four, a subdivision of record

4-44 in Cabinet Y, Sheet 180-181, M.C.M.R.;

4-45 Thence, South 10° 00' 00" West, along said east line, said

4-46 west line and the west line of the Final Plat of Teas Lakes Section

4-47 Three, a subdivision of record in Cabinet W, Sheet 188-189,

4-48 M.C.M.R., 2,116.14 feet to a point for corner;

4-49 Thence, North 75° 00' 00" West, continuing along said east

4-50 line 1,797.56 feet to a point for corner;

4-51 Thence, South 10° 00' 00" West, continuing along said east

4-52 line 2,033.85 feet to a point for the southeast corner of the herein

4-53 described tract, same being the southeast corner of the

4-54 aforementioned Foster Clark Tract on the north line of League Line

4-55 Road, same being the south line of said Foster Clark Tract;

4-56 Thence, North 75° 00' 00" West, along said north line, passing

4-57 the common south corner of said Foster Clark Tract and the

4-58 aforementioned Foster Collard Tract Area 2 at 1,641.86 feet and

4-59 continuing a total of 3,640.86 feet to a point for the most

4-60 southerly southwest corner of the herein described tract, same

4-61 being the most southerly southwest corner of the aforementioned

4-62 Foster Collard Tract Area 2 and being at the southeast end of a

4-63 corner cut-back line;

4-64 Thence, North 32° 10' 00" West, along said corner cutback

4-65 line, 166.00 feet to a point for the most westerly southwest corner

4-66 of the herein described tract, same being the most westerly

4-67 southwest corner of said Foster Collard Tract Area 2 on the

4-68 aforementioned east line of Longmire Road, same being the west line

4-69 of said Foster Collard Tract Area 2;

5-1 Thence, North 10° 40' 00" East, along said east line, 330.69  
 5-2 feet to the POINT OF BEGINNING and containing 312.286 acres of land,  
 5-3 SAVE AND EXCEPT that certain called 15.000 acre tract of land  
 5-4 conveyed to Willis Independent School District by the instrument of  
 5-5 record under File Number 2011027871, M.C.O.P.R., leaving a  
 5-6 remainder of 297.286 acres.

5-7 TRACT THREE - 24.916 ACRES  
 5-8 BEGINNING at the most northerly northwest corner of the  
 5-9 aforementioned Foster Collard Tract Area 3, same being the most  
 5-10 northerly northwest corner of the herein described tract on the  
 5-11 south line of League Line Road, same being the north line of said  
 5-12 Foster Collard Tract Area 3;

5-13 Thence, South 75° 00' 00" East, along said south line,  
 5-14 1,999.00 feet to a point for the northeast corner of the herein  
 5-15 described tract, same being the northeast corner of said Foster  
 5-16 Collard Tract Area 3 on the east line of said Foster Collard Tract  
 5-17 Area 3, same being the common line between the aforementioned  
 5-18 Collard Survey and the J. Edwards Survey, Abstract Number 190;

5-19 Thence, South 15° 00' 00" West, along said east line and said  
 5-20 common line, 520.44 feet to a point for the southeast corner of the  
 5-21 herein described tract, same being the southeast corner of said  
 5-22 Collard Survey;

5-23 Thence, North 75° 00' 00" West, along the south line of said  
 5-24 Foster Collard Tract Area 3 and said common line, 2,079.44 feet to a  
 5-25 point for the southwest corner of the herein described tract, same  
 5-26 being the southwest corner of said Foster Collard Tract Area 3 on  
 5-27 the east line of Longmire Road, same being the west line of said  
 5-28 Foster Collard Tract Area 3;

5-29 Thence, North 10° 40' 00" East, along said east line, 402.06  
 5-30 feet to a point for the most westerly northwest corner of the herein  
 5-31 described tract, same being the most westerly northwest corner of  
 5-32 said Foster Collard Tract Area 3 and being at the southwest end of a  
 5-33 corner cut-back line;

5-34 Thence, North 57° 50' 00" East, along said corner cut-back  
 5-35 line, 163.00 feet to the POINT OF BEGINNING and containing 24.916  
 5-36 acres of land.

5-37 Said Tract 1, Tract 2 and Tract 3 containing a total of  
 5-38 342.842 acres of land.

5-39 SECTION 3. (a) The legal notice of the intention to  
 5-40 introduce this Act, setting forth the general substance of this  
 5-41 Act, has been published as provided by law, and the notice and a  
 5-42 copy of this Act have been furnished to all persons, agencies,  
 5-43 officials, or entities to which they are required to be furnished  
 5-44 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 5-45 Government Code.

5-46 (b) The governor, one of the required recipients, has  
 5-47 submitted the notice and Act to the Texas Commission on  
 5-48 Environmental Quality.

5-49 (c) The Texas Commission on Environmental Quality has filed  
 5-50 its recommendations relating to this Act with the governor, the  
 5-51 lieutenant governor, and the speaker of the house of  
 5-52 representatives within the required time.

5-53 (d) All requirements of the constitution and laws of this  
 5-54 state and the rules and procedures of the legislature with respect  
 5-55 to the notice, introduction, and passage of this Act are fulfilled  
 5-56 and accomplished.

5-57 SECTION 4. (a) If this Act does not receive a two-thirds  
 5-58 vote of all the members elected to each house, Subchapter C, Chapter  
 5-59 8457, Special District Local Laws Code, as added by Section 1 of  
 5-60 this Act, is amended by adding Section 8457.106 to read as follows:

5-61 Sec. 8457.106. NO EMINENT DOMAIN POWER. The district may  
 5-62 not exercise the power of eminent domain.

5-63 (b) This section is not intended to be an expression of a  
 5-64 legislative interpretation of the requirements of Section 17(c),  
 5-65 Article I, Texas Constitution.

5-66 SECTION 5. This Act takes effect immediately if it receives  
 5-67 a vote of two-thirds of all the members elected to each house, as  
 5-68 provided by Section 39, Article III, Texas Constitution. If this  
 5-69 Act does not receive the vote necessary for immediate effect, this

6-1 Act takes effect September 1, 2013.

6-2 \* \* \* \* \*