

By: Hegar

S.B. No. 607

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 18; 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 8448 to read as follows:

CHAPTER 8448. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 18

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8448.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Waller County Municipal Utility District No. 18.

Sec. 8448.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8448.003. 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. 8448.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8448.003
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. 8448.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

7 (a) 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, improvement, operation,
13 or maintenance of macadamized, graveled, or paved roads, or
14 improvements, including storm drainage, in aid of those roads.

15 Sec. 8448.006. INITIAL DISTRICT TERRITORY. (a) The
16 district is initially composed of the territory described by
17 Section 2 of the Act enacting this chapter.

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

22 (1) organization, existence, or validity;

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

26 (3) right to impose a tax; or

27 (4) legality or operation.

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8448.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8448.052, directors serve
5 staggered four-year terms.

6 Sec. 8448.052. TEMPORARY DIRECTORS. (a) On or after the
7 effective date of the Act enacting this chapter, the owner or owners
8 of a majority of the assessed value of the real property in the
9 district may submit a petition to the commission requesting that
10 the commission appoint as temporary directors the five persons
11 named in the petition. The commission shall appoint as temporary
12 directors the five persons named in the petition.

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

14 (1) the date permanent directors are elected under
15 Section 8448.003; or

16 (2) the fourth anniversary of the effective date of
17 the Act enacting this chapter.

18 (c) If permanent directors have not been elected under
19 Section 8448.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8448.003; or

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

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8448.101. GENERAL POWERS AND DUTIES. The district has
9 the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 8448.102. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8448.103. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8448.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
23 road project must meet all applicable construction standards,
24 zoning and subdivision requirements, and regulations of each
25 municipality in whose corporate limits or extraterritorial
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road
2 project must meet all applicable construction standards, zoning and
3 subdivision requirements, and regulations of each county in which
4 the road project is located.

5 (c) If the state will maintain and operate the road, the
6 Texas Transportation Commission must approve the plans and
7 specifications of the road project.

8 Sec. 8448.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
9 OR RESOLUTION. The district shall comply with all applicable
10 requirements of any ordinance or resolution that is adopted under
11 Section 54.016 or 54.0165, Water Code, and that consents to the
12 creation of the district or to the inclusion of land in the
13 district.

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8448.151. ELECTIONS REGARDING TAXES OR BONDS.

16 (a) The district may issue, without an election, bonds and other
17 obligations secured by:

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

19 (2) contract payments described by Section 8448.153.

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

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

1 Sec. 8448.152. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 8448.151, the district
3 may impose an operation and maintenance tax on taxable property in
4 the district in accordance with Section 49.107, Water Code.

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

7 Sec. 8448.153. CONTRACT TAXES. (a) In accordance with
8 Section 49.108, Water Code, the district may impose a tax other than
9 an operation and maintenance tax and use the revenue derived from
10 the tax to make payments under a contract after the provisions of
11 the contract have been approved by a majority of the district voters
12 voting at an election held for that purpose.

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

16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17 Sec. 8448.201. AUTHORITY TO ISSUE BONDS AND OTHER
18 OBLIGATIONS. The district may issue bonds or other obligations
19 payable wholly or partly from ad valorem taxes, impact fees,
20 revenue, contract payments, grants, or other district money, or any
21 combination of those sources, to pay for any authorized district
22 purpose.

23 Sec. 8448.202. TAXES FOR BONDS. At the time the district
24 issues bonds payable wholly or partly from ad valorem taxes, the
25 board shall provide for the annual imposition of a continuing
26 direct ad valorem tax, without limit as to rate or amount, while all
27 or part of the bonds are outstanding as required and in the manner

1 provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 8448.203. BONDS FOR ROAD PROJECTS. At the time of
3 issuance, the total principal amount of bonds or other obligations
4 issued or incurred to finance road projects and payable from ad
5 valorem taxes may not exceed one-fourth of the assessed value of the
6 real property in the district.

7 SECTION 2. The Waller County Municipal Utility District
8 No. 18 initially includes all the territory contained in the
9 following area:

10 Being 826.853 acres of land located in the Nathan Brookshire
11 League, Abstract 16, Waller County, Texas, more particularly being
12 a portion of that certain called 512.81 acre tract conveyed to NBI
13 PROPERTIES, INC., by an instrument of record in Volume 1272, Page
14 838 of the Waller County Official Public Records (W.C.O.P.R.), all
15 of that certain called 63.00 acre tract conveyed to WOODS ROAD &
16 I-10 INVESTMENTS, INC., by an instrument of record in Volume 1334,
17 Page 445, W.C.O.P.R., a portion of that certain called 89.10 acre
18 tract conveyed to WOODS ROAD & I-10 INVESTMENTS, INC. by an
19 instrument of record in Volume 1334, Page 457, W.C.O.P.R., all of
20 that certain called 16.93 acre tract conveyed to WOODS ROAD & I-10
21 INVESTMENTS, INC. by an instrument of record in Volume 1334, Page
22 467, W.C.O.P.R., and a portion of that certain called 190.91 acre
23 tract conveyed to WOODS ROAD & I-10 INVESTMENTS, INC. by an
24 instrument executed to be effective as of December 21, 2012, said
25 826.853 acres being more particularly described in two parts by
26 metes and bounds as follows (all bearings are assumed);

27 PART 1

1 BEGINNING at the south corner of said 512.81 acre tract, also
2 being in the northwest right-of-way line of F.M. Highway 359
3 (100-foot wide) and being on the common county line of Waller County
4 and Fort Bend County, Texas;

5 Thence, North $35^{\circ} 56' 35''$ West, along the west line of said
6 512.81 acres, 2,251.49 feet to a point for corner, the beginning of
7 a curve;

8 Thence, continuing along said west line, 432.35 feet along
9 the arc of a tangent curve to the left having a radius of 2,960.16
10 feet, a central angle of $08^{\circ} 22' 06''$, and a chord which bears North
11 $40^{\circ} 07' 38''$ West, 431.96 feet to a point for corner;

12 Thence, North $44^{\circ} 17' 27''$ West, continuing along said west
13 line 466.43 feet to a point for corner;

14 Thence, North $45^{\circ} 32' 32''$ East, leaving said west line, 219.66
15 feet to a point for corner;

16 Thence, North $39^{\circ} 01' 07''$ East, 312.51 feet to a point for
17 corner;

18 Thence, North $32^{\circ} 29' 44''$ East, 312.51 feet to a point for
19 corner;

20 Thence, North $25^{\circ} 58' 19''$ East, 312.50 feet to a point for
21 corner;

22 Thence, North $19^{\circ} 26' 57''$ East, 312.51 feet to a point for
23 corner;

24 Thence, North $12^{\circ} 55' 32''$ East, 312.50 feet to a point for
25 corner;

26 Thence, North $06^{\circ} 24' 08''$ East, 312.50 feet to a point for
27 corner;

1 Thence, North 00° 07' 15" West, 306.77 feet to a point for
2 corner;

3 Thence, North 02° 16' 25" West, 1,497.83 feet to a point for
4 corner on a southerly line of Partition Tract 1 of a partition of a
5 called 150.0909 acre tract recorded in Volume 152, Page 268, Waller
6 County Deed Records (W.C.D.R.) also being on the north line of
7 aforementioned 89.10 acre tract, from which the northwest corner of
8 said 89.10 acre tract bears South 87° 34' 14" West, 467.86 feet;

9 Thence, North 87° 34' 14" East, along the common line of said
10 Partition Tract 1 and said 89.10 acre tract, 467.86 feet to a point
11 for corner being the northwest corner of that certain called 10.00
12 acre tract conveyed to William Kirkland Brookshire by an instrument
13 of record in Volume 1261, Page 745, W.C.O.P.R.;

14 Thence, along the common line of said 10.00 acre tract and
15 said 89.10 acre tract, the following six (6) courses:

16 1. South 14° 04 '22" West, 246.28 feet to a point for corner;
17 2. South 40° 43' 26" West, 47.92 feet to a point for corner;
18 3. South 55° 47' 07" West, 98.99 feet to a point for corner;
19 4. South 70° 00' 30" West, 188.93 feet to a point for corner;
20 5. North 87° 34' 14" East, 1,420.55 feet to a point for
21 corner;

22 6. North 02° 07' 41" West, 380.25 feet to a point for corner,
23 being on the aforementioned common line of said Partition Tract 1
24 and said 89.10 acre tract;

25 Thence, North 87° 34' 14" East, along said common line,
26 1,540.58 feet to a point for corner, being the northwest corner of
27 that certain called 17.2825 acre tract, conveyed to Kohinoor Group,

1 L.P. by an instrument of record in Volume 1293, Page 107,
2 W.C.O.P.R.,

3 Thence, South 02° 30' 41" East, along the common line of said
4 17.2825 acre tract and the aforementioned 89.10 acre tract, 199.61
5 feet to a point for corner, being the southwest corner of said
6 17.2825 acre tract;

7 Thence, North 87° 34' 14" East, continuing along said common
8 line, 3,771.58 feet to a point for corner, being the northeast
9 corner of aforementioned 89.10 acre tract, also being on the common
10 survey line of aforementioned Nathan Brookshire League, Abstract 16
11 and the H.H. Pennington Survey, Abstract 322, Waller County, Texas;

12 Thence, South 02° 30' 41" East, along the east line of said
13 89.10 acre tract and the east line of aforementioned 16.93 acre
14 tract and said common survey line, 677.74 feet to a point for
15 corner;

16 Thence, South 02° 34' 03" East, continuing along said east
17 line of said 89.10 acre tract, said common survey line and the
18 aforementioned 190.91 acre tract, at 972.77 feet passing the common
19 corner of said H. H. Pennington Survey and the H. & T.C. R.R. Co.
20 Survey, Section 75, Abstract 155, Waller County, Texas, and
21 continuing along the common survey line of said Nathan Brookshire
22 League, Abstract 16, and said H. & T.C. R.R. Co. Survey, Section 75,
23 Abstract 155, for a total distance of 1,010.05 feet to a point for
24 corner, being the southeast corner of said 190.91 acre tract;

25 Thence, South 87° 43' 24" West, leaving said common survey
26 line, along the south line of said 190.81 acre tract, 963.88 feet to
27 a point for corner, being the most northerly northeast corner of the

1 aforementioned 512.81 acre tract;

2 Thence, South 02° 40' 16" East, along an east line of said
3 512.81 acre tract, 956.04 feet to a point for corner;

4 Thence, North 87° 47' 23" East, along a north line of said
5 512.81 acre tract, 917.94 feet to a point for corner, being on the
6 west right-of-way line of Woods Road (80-feet wide);

7 Thence, South 02° 40' 45" East, along the common line of said
8 Woods Road and said 512.81 acre tract, 845.74 feet to a point for
9 corner, being on the common county line of said Waller County and
10 Fort Bend County, Texas;

11 Thence, South 64° 48' 51" West, along said common county line
12 and the southeast line of said 512.81 acre tract, 6,445.42 feet to
13 the POINT OF BEGINNING and containing 763.858 acres of land;

14 PART 2

15 COMMENCING for reference at the northwest corner of the
16 aforementioned 89.10 acre tract, same being the southwest corner of
17 the aforementioned Partition Tract 1;

18 Thence, North 02° 16' 25" East, along the west line of said
19 Partition Tract 1, 53.63 feet to a point;

20 Thence, North 87° 52' 19" East, along the north line of said
21 Partition Tract 1, 2,230.79 feet to the POINT OF BEGINNING, also
22 being the southwest corner of the aforementioned 63.00 acre tract;

23 Thence, North 02° 56' 36" West, along the west line of said
24 63.00 acre tract, 896.19 feet to a point for corner;

25 Thence, North 02° 13' 46" West, continuing along the west line
26 of said 63.00 acre tract, 363.94 feet to a point for corner;

27 Thence, North 03° 34' 46" West, continuing along the west line

1 of said 63.00 acre tract, 703.01 feet to a point for corner, being
2 the northwest corner of said 63.00 acre tract;

3 Thence, North 86° 29' 35" East, along the north line of said
4 63.00 acre tract, 1,396.67 feet to a point for corner being the
5 northeast corner of said 63.00 acre tract;

6 Thence, South 02° 33' 43" East, along the east line of said
7 63.00 acre tract, 1,996.49 feet to a point for corner, being the
8 southeast corner of said 63.00 acre tract and on the north line of
9 aforementioned Partition Tract 1;

10 Thence, South 87° 52' 19" West, along the common line of said
11 63.00 acre tract and said Partition Tract 1, 1,380.18 feet to the
12 POINT OF BEGINNING and containing 62.995 acres of land.

13 Said Part One and Part Two containing a total of 826.853 acres
14 of land.

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

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 4. (a) If this Act does not receive a two-thirds
7 vote of all the members elected to each house, Subchapter C, Chapter
8 8448, Special District Local Laws Code, as added by Section 1 of
9 this Act, is amended by adding Section 8448.106 to read as follows:

10 Sec. 8448.106. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

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

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.