

1-1 By: Hegar S.B. No. 607
 1-2 (In the Senate - Filed February 18, 2013; March 12, 2013,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 8, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
 1-6 April 8, 2013, sent to printer.)

1-7 COMMITTEE VOTE

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

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 607 By: Nichols

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

1-17 relating to the creation of the Waller County Municipal Utility
 1-18 District No. 18; providing authority to impose a tax and issue
 1-19 bonds; granting a limited power of eminent domain.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-22 Code, is amended by adding Chapter 8448 to read as follows:

1-23 CHAPTER 8448. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 18

1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 8448.001. DEFINITIONS. In this chapter:

1-26 (1) "Board" means the district's board of directors.

1-27 (2) "Commission" means the Texas Commission on
 1-28 Environmental Quality.

1-29 (3) "Director" means a board member.

1-30 (4) "District" means the Waller County Municipal
 1-31 Utility District No. 18.

1-32 Sec. 8448.002. NATURE OF DISTRICT. The district is a
 1-33 municipal utility district created under Section 59, Article XVI,
 1-34 Texas Constitution.

1-35 Sec. 8448.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-36 REQUIRED. The temporary directors shall hold an election to
 1-37 confirm the creation of the district and to elect five permanent
 1-38 directors as provided by Section 49.102, Water Code.

1-39 Sec. 8448.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-40 temporary directors may not hold an election under Section 8448.003
 1-41 until each municipality in whose corporate limits or
 1-42 extraterritorial jurisdiction the district is located has
 1-43 consented by ordinance or resolution to the creation of the
 1-44 district and to the inclusion of land in the district.

1-45 Sec. 8448.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-46 (a) The district is created to serve a public purpose and benefit.

1-47 (b) The district is created to accomplish the purposes of:

1-48 (1) a municipal utility district as provided by
 1-49 general law and Section 59, Article XVI, Texas Constitution; and

1-50 (2) Section 52, Article III, Texas Constitution, that
 1-51 relate to the construction, acquisition, improvement, operation,
 1-52 or maintenance of macadamized, graveled, or paved roads, or
 1-53 improvements, including storm drainage, in aid of those roads.

1-54 Sec. 8448.006. INITIAL DISTRICT TERRITORY. (a) The
 1-55 district is initially composed of the territory described by
 1-56 Section 2 of the Act enacting this chapter.

1-57 (b) The boundaries and field notes contained in Section 2 of
 1-58 the Act enacting this chapter form a closure. A mistake made in the
 1-59 field notes or in copying the field notes in the legislative process
 1-60 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. 8448.051. 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 8448.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 8448.052. 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 8448.003; 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 8448.003 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 8448.003; 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. 8448.101. 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. 8448.102. 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. 8448.103. 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. 8448.104. 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. 8448.105. 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. 8448.151. ELECTIONS REGARDING TAXES OR BONDS.

3-7 (a) 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 8448.153.

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. 8448.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 8448.151, 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. 8448.153. 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. 8448.201. 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. 8448.202. 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. 8448.203. 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 Waller County Municipal Utility District
3-53 No. 18 initially includes all the territory contained in the
3-54 following area:

3-55 Being 826.853 acres of land located in the Nathan Brookshire
3-56 League, Abstract 16, Waller County, Texas, more particularly being
3-57 a portion of that certain called 512.81 acre tract conveyed to NBI
3-58 PROPERTIES, INC., by an instrument of record in Volume 1272, Page
3-59 838 of the Waller County Official Public Records (W.C.O.P.R.), all
3-60 of that certain called 63.00 acre tract conveyed to WOODS ROAD &
3-61 I-10 INVESTMENTS, INC., by an instrument of record in Volume 1334,
3-62 Page 445, W.C.O.P.R., a portion of that certain called 89.10 acre
3-63 tract conveyed to WOODS ROAD & I-10 INVESTMENTS, INC. by an
3-64 instrument of record in Volume 1334, Page 457, W.C.O.P.R., all of
3-65 that certain called 16.93 acre tract conveyed to WOODS ROAD & I-10
3-66 INVESTMENTS, INC. by an instrument of record in Volume 1334, Page
3-67 467, W.C.O.P.R., and a portion of that certain called 190.91 acre
3-68 tract conveyed to WOODS ROAD & I-10 INVESTMENTS, INC. by an
3-69 instrument executed to be effective as of December 21, 2012, said

4-1 826.853 acres being more particularly described in two parts by
4-2 metes and bounds as follows (all bearings are assumed);
4-3 PART 1
4-4 BEGINNING at the south corner of said 512.81 acre tract, also
4-5 being in the northwest right-of-way line of F.M. Highway 359
4-6 (100-feet wide) and being on the common county line of Waller County
4-7 and Fort Bend County, Texas;
4-8 Thence, North 35° 56' 35" West, along the west line of said
4-9 512.81 acres, 2,251.49 feet to a point for corner, the beginning of
4-10 a curve;
4-11 Thence, continuing along said west line, 432.35 feet along
4-12 the arc of a tangent curve to the left having a radius of 2,960.16
4-13 feet, a central angle of 08° 22' 06", and a chord which bears North
4-14 40° 07' 38" West, 431.96 feet to a point for corner;
4-15 Thence, North 44° 17' 27" West, continuing along said west
4-16 line 466.43 feet to a point for corner;
4-17 Thence, North 45° 32' 32" East, leaving said west line, 219.66
4-18 feet to a point for corner;
4-19 Thence, North 39° 01' 07" East, 312.51 feet to a point for
4-20 corner;
4-21 Thence, North 32° 29' 44" East, 312.51 feet to a point for
4-22 corner;
4-23 Thence, North 25° 58' 19" East, 312.50 feet to a point for
4-24 corner;
4-25 Thence, North 19° 26' 57" East, 312.51 feet to a point for
4-26 corner;
4-27 Thence, North 12° 55' 32" East, 312.50 feet to a point for
4-28 corner;
4-29 Thence, North 06° 24' 08" East, 312.50 feet to a point for
4-30 corner;
4-31 Thence, North 00° 07' 15" West, 306.77 feet to a point for
4-32 corner;
4-33 Thence, North 02° 16' 25" West, 1,497.83 feet to a point for
4-34 corner on a southerly line of Partition Tract 1 of a partition of a
4-35 called 150.0909 acre tract recorded in Volume 152, Page 268, Waller
4-36 County Deed Records (W.C.D.R.) also being on the north line of
4-37 aforementioned 89.10 acre tract, from which the northwest corner of
4-38 said 89.10 acre tract bears South 87° 34' 14" West, 467.86 feet;
4-39 Thence, North 87° 34' 14" East, along the common line of said
4-40 Partition Tract 1 and said 89.10 acre tract, 467.86 feet to a point
4-41 for corner being the northwest corner of that certain called 10.00
4-42 acre tract conveyed to William Kirkland Brookshire by an instrument
4-43 of record in Volume 1261, Page 745, W.C.O.P.R.;
4-44 Thence, along the common line of said 10.00 acre tract and
4-45 said 89.10 acre tract, the following six (6) courses:
4-46 1. South 14° 04' 22" West, 246.28 feet to a point for corner;
4-47 2. South 40° 43' 26" West, 47.92 feet to a point for corner;
4-48 3. South 55° 47' 07" West, 98.99 feet to a point for corner;
4-49 4. South 70° 00' 30" West, 188.93 feet to a point for corner;
4-50 5. North 87° 34' 14" East, 1,420.55 feet to a point for
4-51 corner;
4-52 6. North 02° 07' 41" West, 380.25 feet to a point for corner,
4-53 being on the aforementioned common line of said Partition Tract 1
4-54 and said 89.10 acre tract;
4-55 Thence, North 87° 34' 14" East, along said common line,
4-56 1,540.58 feet to a point for corner, being the northwest corner of
4-57 that certain called 17.2825 acre tract, conveyed to Kohinoor Group,
4-58 L.P. by an instrument of record in Volume 1293, Page 107,
4-59 W.C.O.P.R.,
4-60 Thence, South 02° 30' 41" East, along the common line of said
4-61 17.2825 acre tract and the aforementioned 89.10 acre tract, 199.61
4-62 feet to a point for corner, being the southwest corner of said
4-63 17.2825 acre tract;
4-64 Thence, North 87° 34' 14" East, continuing along said common
4-65 line, 3,771.58 feet to a point for corner, being the northeast
4-66 corner of aforementioned 89.10 acre tract, also being on the common
4-67 survey line of aforementioned Nathan Brookshire League, Abstract 16
4-68 and the H.H. Pennington Survey, Abstract 322, Waller County, Texas;
4-69 Thence, South 02° 30' 41" East, along the east line of said

5-1 89.10 acre tract and the east line of aforementioned 16.93 acre
5-2 tract and said common survey line, 677.74 feet to a point for
5-3 corner;

5-4 Thence, South 02° 34' 03" East, continuing along said east
5-5 line of said 89.10 acre tract, said common survey line and the
5-6 aforementioned 190.91 acre tract, at 972.77 feet passing the common
5-7 corner of said H. H. Pennington Survey and the H. & T.C. R.R. Co.
5-8 Survey, Section 75, Abstract 155, Waller County, Texas, and
5-9 continuing along the common survey line of said Nathan Brookshire
5-10 League, Abstract 16, and said H. & T.C. R.R. Co. Survey, Section 75,
5-11 Abstract 155, for a total distance of 1,010.05 feet to a point for
5-12 corner, being the southeast corner of said 190.91 acre tract;

5-13 Thence, South 87° 43' 24" West, leaving said common survey
5-14 line, along the south line of said 190.81 acre tract, 963.88 feet to
5-15 a point for corner, being the most northerly northeast corner of the
5-16 aforementioned 512.81 acre tract;

5-17 Thence, South 02° 40' 16" East, along an east line of said
5-18 512.81 acre tract, 956.04 feet to a point for corner;

5-19 Thence, North 87° 47' 23" East, along a north line of said
5-20 512.81 acre tract, 917.94 feet to a point for corner, being on the
5-21 west right-of-way line of Woods Road (80-feet wide);

5-22 Thence, South 02° 40' 45" East, along the common line of said
5-23 Woods Road and said 512.81 acre tract, 845.74 feet to a point for
5-24 corner, being on the common county line of said Waller County and
5-25 Fort Bend County, Texas;

5-26 Thence, South 64° 48' 51" West, along said common county line
5-27 and the southeast line of said 512.81 acre tract, 6,445.42 feet to
5-28 the POINT OF BEGINNING and containing 763.858 acres of land;

5-29 PART 2

5-30 COMMENCING for reference at the northwest corner of the
5-31 aforementioned 89.10 acre tract, same being the southwest corner of
5-32 the aforementioned Partition Tract 1;

5-33 Thence, North 02° 16' 25" East, along the west line of said
5-34 Partition Tract 1, 53.63 feet to a point;

5-35 Thence, North 87° 52' 19" East, along the north line of said
5-36 Partition Tract 1, 2,230.79 feet to the POINT OF BEGINNING, also
5-37 being the southwest corner of the aforementioned 63.00 acre tract;

5-38 Thence, North 02° 56' 36" West, along the west line of said
5-39 63.00 acre tract, 896.19 feet to a point for corner;

5-40 Thence, North 02° 13' 46" West, continuing along the west line
5-41 of said 63.00 acre tract, 363.94 feet to a point for corner;

5-42 Thence, North 03° 34' 46" West, continuing along the west line
5-43 of said 63.00 acre tract, 703.01 feet to a point for corner, being
5-44 the northwest corner of said 63.00 acre tract;

5-45 Thence, North 86° 29' 35" East, along the north line of said
5-46 63.00 acre tract, 1,396.67 feet to a point for corner being the
5-47 northeast corner of said 63.00 acre tract;

5-48 Thence, South 02° 33' 43" East, along the east line of said
5-49 63.00 acre tract, 1,996.49 feet to a point for corner, being the
5-50 southeast corner of said 63.00 acre tract and on the north line of
5-51 aforementioned Partition Tract 1;

5-52 Thence, South 87° 52' 19" West, along the common line of said
5-53 63.00 acre tract and said Partition Tract 1, 1,380.18 feet to the
5-54 POINT OF BEGINNING and containing 62.995 acres of land.

5-55 Said Part One and Part Two containing a total of 826.853 acres
5-56 of land.

5-57 SECTION 3. (a) The legal notice of the intention to
5-58 introduce this Act, setting forth the general substance of this
5-59 Act, has been published as provided by law, and the notice and a
5-60 copy of this Act have been furnished to all persons, agencies,
5-61 officials, or entities to which they are required to be furnished
5-62 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-63 Government Code.

5-64 (b) The governor, one of the required recipients, has
5-65 submitted the notice and Act to the Texas Commission on
5-66 Environmental Quality.

5-67 (c) The Texas Commission on Environmental Quality has filed
5-68 its recommendations relating to this Act with the governor, the
5-69 lieutenant governor, and the speaker of the house of

6-1 representatives within the required time.

6-2 (d) All requirements of the constitution and laws of this
6-3 state and the rules and procedures of the legislature with respect
6-4 to the notice, introduction, and passage of this Act are fulfilled
6-5 and accomplished.

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

6-10 Sec. 8448.106. NO EMINENT DOMAIN POWER. The district may
6-11 not exercise the power of eminent domain.

6-12 (b) This section is not intended to be an expression of a
6-13 legislative interpretation of the requirements of Subsection (c),
6-14 Section 17, Article I, Texas Constitution.

6-15 SECTION 5. This Act takes effect immediately if it receives
6-16 a vote of two-thirds of all the members elected to each house, as
6-17 provided by Section 39, Article III, Texas Constitution. If this
6-18 Act does not receive the vote necessary for immediate effect, this
6-19 Act takes effect September 1, 2013.

6-20

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