

By: Hegar

S.B. No. 609

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 17; 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 8441 to read as follows:

CHAPTER 8441. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 17

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8441.001. 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. 17.

Sec. 8441.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8441.003. 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. 8441.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8441.003
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. 8441.005. 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. 8441.006. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8441.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8441.052, directors serve staggered four-year terms.

Sec. 8441.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting 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 commission 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 8441.003; or

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

(c) If permanent directors have not been elected under Section 8441.003 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 8441.003; or

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

(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. 8441.101. 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. 8441.102. 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. 8441.103. 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. 8441.104. 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. 8441.105. 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. 8441.151. 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 8441.153.

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. 8441.152. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 8441.151, 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. 8441.153. 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. 8441.201. 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. 8441.202. 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. 8441.203. 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. 17 initially includes all the territory contained in the
9 following area:

10 400.55 ACRES OF LAND SITUATED IN THE F. EULE SURVEY, ABSTRACT
11 NO. 376 AND THE H. & T.C .R.R. CO. SURVEY, ABSTRACT NO. 203, WALLER
12 COUNTY, TEXAS, SAID 400.55 ACRES BEING MORE PARTICULARLY DESCRIBED
13 BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE
14 COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS
15 MEASUREMENTS):

16 BEGINNING at a cotton spindle having Texas State Plane, South
17 Central Zone 1983, coordinates of X = 2,970,409.07 and Y =
18 13,857,993.69 found marking the northeasterly corner of the said F.
19 Eule Survey, the southeasterly corner of the H. & T.C.C. R.R. Co.
20 Survey, Abstract No. 205, the southwesterly corner of the E.
21 Jenkins Survey, Abstract No. 409 and the northwesterly corner of
22 the H. & T. C.C. R.R. Co. Survey, Abstract No. 196 and being in the
23 intersection of Morton Road (as occupied at present) and Pitts Road
24 (as occupied at present);

25 (1) THENCE, North 87°59'06" East, along the common line of the said
26 E. Jenkins Survey, Abstract No. 409 and the H. & T. C.C. R.R. Co.
27 Survey, Abstract No. 196 for a distance of 23.14 feet to a point for

1 corner in the southerly extension of the easterly right-of-way line
2 of Pitts Road, being the current extraterritorial jurisdiction line
3 (ETJ) agreed to between the City of Houston and the City of Katy;

4 (2) THENCE, South 02°03'11" East, along the said ETJ line for a
5 distance of 30.00 feet to a point for corner in the southerly
6 right-of-way line of Morton Road, being the current
7 extraterritorial jurisdiction line (ETJ) agreed to between the
8 City of Houston and the City of Katy;

9 (3) THENCE, South 87°59'06" West, along the southerly right-of-way
10 line of Morton Road, being the current extraterritorial
11 jurisdiction line (ETJ) agreed to between the City of Houston and
12 the City of Katy, for a distance of 23.14 feet to a point for corner
13 in the easterly line of the said F. Eule Survey and the westerly
14 line of the said H. & T. C.C. R.R. Co. Survey, Abstract No. 196;

15 (4) THENCE, South 02°03'11" East, along easterly line of the said
16 F. Eule Survey and the westerly line of the said H. & T. C.C. R.R.
17 Co. Survey, Abstract No. 196, same being the current
18 extraterritorial jurisdiction line (ETJ) agreed to between the
19 City of Houston and the City of Katy, for a distance of 5,279.05
20 feet to a point for the southeasterly corner of the herein described
21 tract being at the intersection with the easterly extension of the
22 southerly right-of-way line of Franz Road (as occupied at present)
23 from which a 1/2-inch capped iron pipe stamped "Kalkomey" found
24 marking the southeasterly corner of the said F. Eule Survey and the
25 northeasterly corner of the H. & T.C.C. R.R. Co. Survey, Abstract
26 No. 203 bears North 02°03'11" West, a distance of 33.00 feet;

27 (5) THENCE, South 87°56'49" West, along the southerly

1 right-of-way line of Franz Road, being the current extraterritorial
2 jurisdiction line (ETJ) agreed to between the City of Houston and
3 the City of Katy, for a distance of 2,170.11 feet to a point for
4 corner;

5 (6) THENCE, North 01°51'45" West, a distance of 33.00 feet to a
6 1/2-inch capped iron pipe stamped "Kalkomey" found for corner in
7 the southerly line of the said F. Eule Survey and the northerly line
8 of the said H. & T. C.C. R.R. Co. Survey, Abstract No. 203;

9 (7) THENCE, South 87°56'49" West, along the common line of the
10 said F. Eule Survey and the H. & T. C.C. R.R. Co. Survey, Abstract
11 No. 203 for a distance of 1,227.33 feet to a 1/2-inch capped iron
12 pipe stamped "Kalkomey" found marking the southwesterly corner of
13 the herein described tract;

14 (8) THENCE, North 02°06'02" West, a distance of 3,626.17 feet to a
15 1/2-inch capped iron pipe stamped "Kalkomey" found for corner;

16 (9) THENCE, North 87°59'06" East, a distance of 228.84 feet to a
17 bent 1/2-inch iron pipe found for corner;

18 (10) THENCE, North 02°01'19" West, a distance of 1,652.14 feet to
19 a cotton spindle found in Morton Road being in the northerly line of
20 the said F. Eule Survey and the southerly line of the said H. & T.
21 C.C. R.R. Co. Survey, Abstract No. 205 marking the northwesterly
22 corner of the herein described tract of land;

23 (11) THENCE, North 87°59'06" East, along the common line of the
24 said F. Eule Survey and the H. & T. C.C. R.R. Co. Survey, Abstract
25 No. 205, a distance of 60.00 feet to a cotton spindle found for
26 corner;

27 (12) THENCE, South 02°01'43" East, a distance of 559.82 feet to a

1 1/2-inch iron pipe found for corner;

2 (13) THENCE, North 87°58'17" East, a distance of 328.85 feet to a
3 1/2-inch iron pipe found for corner;

4 (14) THENCE, North 01°59'41" West, a distance of 559.74 feet to a
5 cotton spindle found for corner in Morton Road being in the
6 northerly line of the said F. Eule Survey and the southerly line of
7 the said H. & T. C.C. R.R. Co. Survey, Abstract No. 205;

8 (15) THENCE, North 87°59'06" East, along the common line of the
9 said F. Eule Survey and the H. & T. C.C. R.R. Co. Survey, Abstract
10 No. 205, a distance of 2,781.42 feet to the POINT OF BEGINNING and
11 containing 400.55 acres of land. This description has been prepared
12 in conjunction with a map of equal date.

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

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

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor, the
25 lieutenant governor, and the speaker of the house of
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4. (a) If this Act does not receive a two-thirds
5 vote of all the members elected to each house, Subchapter C, Chapter
6 8441, Special District Local Laws Code, as added by Section 1 of
7 this Act, is amended by adding Section 8441.106 to read as follows:

8 Sec. 8441.106. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

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

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