

1-1 By: Hegar S.B. No. 1064
 1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 4, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; April 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hinojosa	X			
1-8 Nichols	X			
1-9 Garcia	X			
1-10 Paxton	X			
1-11 Taylor	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the creation of the Fort Bend County Municipal Utility
 1-16 District No. 208; providing authority to impose a tax and issue
 1-17 bonds; granting a limited power of eminent domain.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-20 Code, is amended by adding Chapter 8456 to read as follows:

1-21 CHAPTER 8456. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 208

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8456.001. DEFINITIONS. In this chapter:

1-24 (1) "Board" means the district's board of directors.

1-25 (2) "Commission" means the Texas Commission on
 1-26 Environmental Quality.

1-27 (3) "Director" means a board member.

1-28 (4) "District" means the Fort Bend County Municipal
 1-29 Utility District No. 208.

1-30 Sec. 8456.002. NATURE OF DISTRICT. The district is a
 1-31 municipal utility district created under Section 59, Article XVI,
 1-32 Texas Constitution.

1-33 Sec. 8456.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-34 REQUIRED. The temporary directors shall hold an election to
 1-35 confirm the creation of the district and to elect five permanent
 1-36 directors as provided by Section 49.102, Water Code.

1-37 Sec. 8456.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-38 temporary directors may not hold an election under Section 8456.003
 1-39 until each municipality in whose corporate limits or
 1-40 extraterritorial jurisdiction the district is located has
 1-41 consented by ordinance or resolution to the creation of the
 1-42 district and to the inclusion of land in the district.

1-43 Sec. 8456.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-44 (a) The district is created to serve a public purpose and benefit.

1-45 (b) The district is created to accomplish the purposes of:

1-46 (1) a municipal utility district as provided by
 1-47 general law and Section 59, Article XVI, Texas Constitution; and

1-48 (2) Section 52, Article III, Texas Constitution, that
 1-49 relate to the construction, acquisition, improvement, operation,
 1-50 or maintenance of macadamized, graveled, or paved roads, or
 1-51 improvements, including storm drainage, in aid of those roads.

1-52 Sec. 8456.006. INITIAL DISTRICT TERRITORY. (a) The
 1-53 district is initially composed of the territory described by
 1-54 Section 2 of the Act enacting this chapter.

1-55 (b) The boundaries and field notes contained in Section 2 of
 1-56 the Act enacting this chapter form a closure. A mistake made in the
 1-57 field notes or in copying the field notes in the legislative process
 1-58 does not affect the district's:

1-59 (1) organization, existence, or validity;

1-60 (2) right to issue any type of bond for the purposes
 1-61 for which the district is created or to pay the principal of and

2-1 interest on a bond;
 2-2 (3) right to impose a tax; or
 2-3 (4) legality or operation.

2-4 SUBCHAPTER B. BOARD OF DIRECTORS

2-5 Sec. 8456.051. GOVERNING BODY; TERMS. (a) The district is
 2-6 governed by a board of five elected directors.

2-7 (b) Except as provided by Section 8456.052, directors serve
 2-8 staggered four-year terms.

2-9 Sec. 8456.052. TEMPORARY DIRECTORS. (a) On or after the
 2-10 effective date of the Act enacting this chapter, the owner or owners
 2-11 of a majority of the assessed value of the real property in the
 2-12 district may submit a petition to the commission requesting that
 2-13 the commission appoint as temporary directors the five persons
 2-14 named in the petition. The commission shall appoint as temporary
 2-15 directors the five persons named in the petition.

2-16 (b) Temporary directors serve until the earlier of:

2-17 (1) the date permanent directors are elected under
 2-18 Section 8456.003; or

2-19 (2) the fourth anniversary of the effective date of
 2-20 the Act enacting this chapter.

2-21 (c) If permanent directors have not been elected under
 2-22 Section 8456.003 and the terms of the temporary directors have
 2-23 expired, successor temporary directors shall be appointed or
 2-24 reappointed as provided by Subsection (d) to serve terms that
 2-25 expire on the earlier of:

2-26 (1) the date permanent directors are elected under
 2-27 Section 8456.003; or

2-28 (2) the fourth anniversary of the date of the
 2-29 appointment or reappointment.

2-30 (d) If Subsection (c) applies, the owner or owners of a
 2-31 majority of the assessed value of the real property in the district
 2-32 may submit a petition to the commission requesting that the
 2-33 commission appoint as successor temporary directors the five
 2-34 persons named in the petition. The commission shall appoint as
 2-35 successor temporary directors the five persons named in the
 2-36 petition.

2-37 SUBCHAPTER C. POWERS AND DUTIES

2-38 Sec. 8456.101. GENERAL POWERS AND DUTIES. The district has
 2-39 the powers and duties necessary to accomplish the purposes for
 2-40 which the district is created.

2-41 Sec. 8456.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-42 DUTIES. The district has the powers and duties provided by the
 2-43 general law of this state, including Chapters 49 and 54, Water Code,
 2-44 applicable to municipal utility districts created under Section 59,
 2-45 Article XVI, Texas Constitution.

2-46 Sec. 8456.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-47 52, Article III, Texas Constitution, the district may design,
 2-48 acquire, construct, finance, issue bonds for, improve, operate,
 2-49 maintain, and convey to this state, a county, or a municipality for
 2-50 operation and maintenance macadamized, graveled, or paved roads, or
 2-51 improvements, including storm drainage, in aid of those roads.

2-52 Sec. 8456.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-53 road project must meet all applicable construction standards,
 2-54 zoning and subdivision requirements, and regulations of each
 2-55 municipality in whose corporate limits or extraterritorial
 2-56 jurisdiction the road project is located.

2-57 (b) If a road project is not located in the corporate limits
 2-58 or extraterritorial jurisdiction of a municipality, the road
 2-59 project must meet all applicable construction standards,
 2-60 subdivision requirements, and regulations of each county in which
 2-61 the road project is located.

2-62 (c) If the state will maintain and operate the road, the
 2-63 Texas Transportation Commission must approve the plans and
 2-64 specifications of the road project.

2-65 Sec. 8456.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-66 OR RESOLUTION. The district shall comply with all applicable
 2-67 requirements of any ordinance or resolution that is adopted under
 2-68 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-69 creation of the district or to the inclusion of land in the

3-1 district.

3-2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-3 Sec. 8456.151. ELECTIONS REGARDING TAXES OR BONDS.

3-4 (a) The district may issue, without an election, bonds and other
3-5 obligations secured by:

3-6 (1) revenue other than ad valorem taxes; or

3-7 (2) contract payments described by Section 8456.153.

3-8 (b) The district must hold an election in the manner
3-9 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-10 before the district may impose an ad valorem tax or issue bonds
3-11 payable from ad valorem taxes.

3-12 (c) The district may not issue bonds payable from ad valorem
3-13 taxes to finance a road project unless the issuance is approved by a
3-14 vote of a two-thirds majority of the district voters voting at an
3-15 election held for that purpose.

3-16 Sec. 8456.152. OPERATION AND MAINTENANCE TAX. (a) If
3-17 authorized at an election held under Section 8456.151, the district
3-18 may impose an operation and maintenance tax on taxable property in
3-19 the district in accordance with Section 49.107, Water Code.

3-20 (b) The board shall determine the tax rate. The rate may not
3-21 exceed the rate approved at the election.

3-22 Sec. 8456.153. CONTRACT TAXES. (a) In accordance with
3-23 Section 49.108, Water Code, the district may impose a tax other than
3-24 an operation and maintenance tax and use the revenue derived from
3-25 the tax to make payments under a contract after the provisions of
3-26 the contract have been approved by a majority of the district voters
3-27 voting at an election held for that purpose.

3-28 (b) A contract approved by the district voters may contain a
3-29 provision stating that the contract may be modified or amended by
3-30 the board without further voter approval.

3-31 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-32 Sec. 8456.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-33 OBLIGATIONS. The district may issue bonds or other obligations
3-34 payable wholly or partly from ad valorem taxes, impact fees,
3-35 revenue, contract payments, grants, or other district money, or any
3-36 combination of those sources, to pay for any authorized district
3-37 purpose.

3-38 Sec. 8456.202. TAXES FOR BONDS. At the time the district
3-39 issues bonds payable wholly or partly from ad valorem taxes, the
3-40 board shall provide for the annual imposition of a continuing
3-41 direct ad valorem tax, without limit as to rate or amount, while all
3-42 or part of the bonds are outstanding as required and in the manner
3-43 provided by Sections 54.601 and 54.602, Water Code.

3-44 Sec. 8456.203. BONDS FOR ROAD PROJECTS. At the time of
3-45 issuance, the total principal amount of bonds or other obligations
3-46 issued or incurred to finance road projects and payable from ad
3-47 valorem taxes may not exceed one-fourth of the assessed value of the
3-48 real property in the district.

3-49 SECTION 2. The Fort Bend County Municipal Utility District
3-50 No. 208 initially includes all the territory contained in the
3-51 following area:

3-52 BEING a 366.89 acre tract of land situated in the John Foster
3-53 2-1/2 League Grant, Abstract No. 26 of Fort Bend County, Texas and
3-54 being part of a called 3063.45 acre tract of land described as First
3-55 Tract in a conveyance to Foster Farms, Inc. recorded in Volume 362,
3-56 Page 549 of the Fort Bend County Deed Records (F.B.C.D.R.), said
3-57 366.89 acre tract of land described by metes and bounds as follows:

3-58 BEGINNING at the most northerly northwest corner of said
3-59 3063.45 acre tract and the northwest corner of said 3063.45 acre
3-60 tract and the northeast corner of a called 339.63 acre tract
3-61 described and recorded in Volume 349, Page 524 of the F.B.C.D.R.;

3-62 THENCE, S 89° 43' 00" E, a distance of 1,834.00 feet to the
3-63 most northerly northeast corner of said 3063.45 acre tract and
3-64 being in the western right-of-way line of Winner-Foster Road (Width
3-65 Varies);

3-66 THENCE, along the western and northern right-of-way lines of
3-67 said Winner-Foster Road the following courses and distances:

3-68 S 00° 12' 10" W, a distance of 1,613.96 feet to a point
3-69 for corner;

4-1 S 00° 23' 10" W, a distance of 2,431.50 feet to a point
4-2 for corner;
4-3 S 12° 46' 40" W, a distance of 62.54 feet to a point for
4-4 corner;
4-5 S 02° 56' 10" W, a distance of 213.03 feet to a point for
4-6 corner;
4-7 S 00° 09' 30" E, a distance of 2,657.90 feet to a point
4-8 for corner;
4-9 S 00° 06' 10" W, a distance of 1,724.00 feet to a point
4-10 for corner;
4-11 S 38° 17' 20" W, a distance of 113.10 feet to a point for
4-12 corner;
4-13 S 62° 30' 20" W, a distance of 129.60 feet to a point for
4-14 corner;
4-15 S 83° 57' 20" W, a distance of 212.00 feet to a point for
4-16 corner;
4-17 S 89° 31' 20" W, a distance of 2,950.10 feet to a point
4-18 for corner;
4-19 S 74° 57' 20" W, a distance of 143.87 feet to a point for
4-20 corner;
4-21 THENCE, N 44° 48' 40" W, a distance of 107.15 feet to a point
4-22 for corner and being in the line common to said 3063.45 acre tract
4-23 and a called 339.63 acre tract described and recorded in Volume 349,
4-24 Page 524 of the F.B.C.D.R.;
4-25 THENCE, along the lines common to said 3063.45 acre tract and
4-26 said 339.63 acre tract the following courses and distances:
4-27 N 48° 44' 00" E, a distance of 247.46 feet to a point for
4-28 corner;
4-29 SOUTH, a distance of 54.85 feet to a point for corner;
4-30 N 48° 44' 00" E, a distance of 37.99 feet to a point for
4-31 corner;
4-32 N 72° 44' 20" E, a distance of 277.48 feet to a point for
4-33 corner;
4-34 N 63° 43' 20" E, a distance of 114.44 feet to a point for
4-35 corner;
4-36 N 54° 03' 20" E, a distance of 145.76 feet to a point for
4-37 corner;
4-38 N 43° 36' 20" E, a distance of 706.04 feet to a point for
4-39 corner;
4-40 N 42° 01' 20" E, a distance of 285.46 feet to a point for
4-41 corner;
4-42 N 34° 49' 20" E, a distance of 345.87 feet to a point for
4-43 corner;
4-44 N 30° 43' 15" E, a distance of 402.71 feet to a point for
4-45 corner;
4-46 N 00° 06' 00" W, a distance of 80.27 feet to the most
4-47 southern corner of a called 27.66 acre tract described and
4-48 recorded under Fort Bend County Clerk's File Number
4-49 (F.B.C.C.F. No.) 2005020109;
4-50 THENCE, along the eastern and northern lines of said 27.66
4-51 acre tract the following courses and distances:
4-52 N 28° 53' 21" E, a distance of 59.08 feet to a point for
4-53 corner;
4-54 N 23° 57' 27" E, a distance of 299.97 feet to a point for
4-55 corner;
4-56 N 16° 15' 51" E, a distance of 331.81 feet to a point for
4-57 corner;
4-58 N 19° 01' 38" E, a distance of 580.70 feet to a point for
4-59 corner;
4-60 N 44° 58' 18" E, a distance of 189.22 feet to a point for
4-61 corner;
4-62 N 66° 56' 01" E, a distance of 188.69 feet to a point for
4-63 corner;
4-64 N 77° 44' 37" E, a distance of 323.41 feet to a point for
4-65 corner;
4-66 N 81° 28' 55" E, a distance of 55.99 feet to a point for
4-67 corner;
4-68 N 12° 18' 48" W, a distance of 107.20 feet to a point for
4-69 corner;

5-1 N 07° 07' 38" E, a distance of 117.89 feet to a point for
5-2 corner;
5-3 N 15° 08' 03" W, a distance of 58.15 feet to a point for
5-4 corner;
5-5 N 25° 50' 24" W, a distance of 58.30 feet to a point for
5-6 corner;
5-7 N 34° 49' 05" W, a distance of 274.94 feet to a point for
5-8 corner;
5-9 N 38° 03' 02" W, a distance of 118.88 feet to a point for
5-10 corner;
5-11 N 16° 17' 08" W, a distance of 54.86 feet to a point for
5-12 corner;
5-13 N 03° 12' 23" E, a distance of 7.00 feet to a point for
5-14 corner;
5-15 N 86° 00' 03" W, a distance of 239.04 feet to an angle
5-16 point;
5-17 N 84° 46' 54" W, a distance of 585.18 feet to a point for
5-18 corner;
5-19 THENCE, N 00° 06' 00" W, a distance of 4,823.96 feet to the
5-20 POINT OF BEGINNING and containing 366.89 acres of land.

5-21 SECTION 3. (a) The legal notice of the intention to
5-22 introduce this Act, setting forth the general substance of this
5-23 Act, has been published as provided by law, and the notice and a
5-24 copy of this Act have been furnished to all persons, agencies,
5-25 officials, or entities to which they are required to be furnished
5-26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-27 Government Code.

5-28 (b) The governor, one of the required recipients, has
5-29 submitted the notice and Act to the Texas Commission on
5-30 Environmental Quality.

5-31 (c) The Texas Commission on Environmental Quality has filed
5-32 its recommendations relating to this Act with the governor, the
5-33 lieutenant governor, and the speaker of the house of
5-34 representatives within the required time.

5-35 (d) All requirements of the constitution and laws of this
5-36 state and the rules and procedures of the legislature with respect
5-37 to the notice, introduction, and passage of this Act are fulfilled
5-38 and accomplished.

5-39 SECTION 4. (a) If this Act does not receive a two-thirds
5-40 vote of all the members elected to each house, Subchapter C, Chapter
5-41 8456, Special District Local Laws Code, as added by Section 1 of
5-42 this Act, is amended by adding Section 8456.106 to read as follows:

5-43 Sec. 8456.106. NO EMINENT DOMAIN POWER. The district may
5-44 not exercise the power of eminent domain.

5-45 (b) This section is not intended to be an expression of a
5-46 legislative interpretation of the requirements of Subsection (c),
5-47 Section 17, Article I, Texas Constitution.

5-48 SECTION 5. This Act takes effect immediately if it receives
5-49 a vote of two-thirds of all the members elected to each house, as
5-50 provided by Section 39, Article III, Texas Constitution. If this
5-51 Act does not receive the vote necessary for immediate effect, this
5-52 Act takes effect September 1, 2013.

5-53 * * * * *