

1-1 By: Hegar S.B. No. 1065  
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  |          |     |        |     |
| 1-8  | Hinojosa | X   |        |     |
| 1-9  | Nichols  | X   |        |     |
| 1-10 | Garcia   | X   |        |     |
| 1-11 | Paxton   | X   |        |     |
| 1-12 | 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. 209; 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 8455 to read as follows:

1-21 CHAPTER 8455. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 209

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8455.001. 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. 209.

1-30 Sec. 8455.002. 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. 8455.003. 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. 8455.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-38 temporary directors may not hold an election under Section 8455.003  
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. 8455.005. 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. 8455.006. 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. 8455.051. 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 8455.052, directors serve  
2-8 staggered four-year terms.

2-9 Sec. 8455.052. 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 8455.003; 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 8455.003 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 8455.003; 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. 8455.101. 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. 8455.102. 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. 8455.103. 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. 8455.104. 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. 8455.105. 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. 8455.151. 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 8455.153.

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. 8455.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-17 authorized at an election held under Section 8455.151, 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. 8455.153. 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. 8455.201. 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. 8455.202. 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. 8455.203. 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. 209 initially includes all the territory contained in the  
3-51 following area:

3-52 BEING a 1367.84 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 1367.84 acre tract of land described by metes and bounds as follows:

3-58 BEGINNING at the most westerly northwest corner of said  
3-59 3063.45 acre tract and being in the western line of said John Foster  
3-60 2-1/2 League Grant and the eastern line of the Randon & Pennington  
3-61 League, Abstract No. 75 of Fort Bend County said point being in the  
3-62 centerline of Jones Creek;

3-63 THENCE, along the meanders of Jones Creek the following  
3-64 courses and distances:

3-65 S 68° 04' 50" E, a distance of 2041.63 feet to a point  
3-66 for corner;

3-67 S 76° 02' 10" E, a distance of 999.67 feet to a point for  
3-68 corner;

3-69 S 79° 34' 20" E, a distance of 320.08 feet to a point for

4-1 corner;  
 4-2 N 73° 55' 30" E, a distance of 196.72 feet to a point for  
 4-3 corner;  
 4-4 N 52° 35' 50" E, a distance of 658.02 feet to a point for  
 4-5 corner;  
 4-6 S 44° 48' 40" E, a distance of 107.15 feet to a point for  
 4-7 corner being in the northern right-of-way line of  
 4-8 Winner-Foster Road (Width Varies);  
 4-9 THENCE, along said northern right-of-way lines the following  
 4-10 courses and distances:  
 4-11 N 74° 57' 20" E, a distance of 143.87 feet to a point for  
 4-12 corner;  
 4-13 N 89° 31' 20" E, a distance of 2,950.10 feet to a point  
 4-14 for corner;  
 4-15 N 83° 57' 20" E, a distance of 212.00 feet to a point for  
 4-16 corner;  
 4-17 N 62° 30' 20" E, a distance of 129.60 feet to a point for  
 4-18 corner;  
 4-19 N 38° 17' 30" E, a distance of 113.10 feet to a point for  
 4-20 corner;  
 4-21 THENCE, S 27° 37' 20" E, a distance of 56.50 feet to a point  
 4-22 for corner in the west line of a called 34.2634 acre tract described  
 4-23 and recorded under Fort Bend County Clerk's File Number (F.B.C.C.F.  
 4-24 No.) 2009110478;  
 4-25 THENCE, along the west and south lines of said 34.2634 acre  
 4-26 tract the following courses and distances:  
 4-27 S 00° 55' 00" W, a distance of 1,406.41 feet to a point  
 4-28 for corner;  
 4-29 N 89° 23' 36" E, a distance of 1,270.51 feet to a point  
 4-30 for corner;  
 4-31 THENCE, S 17° 30' 13" E, a distance of 40.58 feet to a point  
 4-32 for corner and being in the western line of a called 34.2634 acre  
 4-33 tract described and recorded under F.B.C.C.F. No. 2009110478;  
 4-34 THENCE, along the western and southern lines of said 34.2634  
 4-35 acre tract the following courses and distances:  
 4-36 S 65° 29' 00" W, a distance of 117.65 feet to a point for  
 4-37 corner;  
 4-38 S 42° 36' 00" W, a distance of 195.00 feet to a point for  
 4-39 corner;  
 4-40 S 18° 58' 00" W, a distance of 200.00 feet to a point for  
 4-41 corner;  
 4-42 S 00° 28' 00" W, a distance of 176.00 feet to a point for  
 4-43 corner;  
 4-44 S 19° 47' 00" E, a distance of 400.00 feet to a point for  
 4-45 corner;  
 4-46 S 36° 17' 00" E, a distance of 500.00 feet to a point for  
 4-47 corner;  
 4-48 S 38° 17' 00" E, a distance of 275.00 feet to a point for  
 4-49 corner;  
 4-50 S 53° 47' 00" E, a distance of 117.00 feet to a point for  
 4-51 corner;  
 4-52 S 37° 17' 00" E, a distance of 150.00 feet to a point for  
 4-53 corner;  
 4-54 S 57° 20' 00" E, a distance of 300.00 feet to a point for  
 4-55 corner;  
 4-56 S 38° 20' 00" E, a distance of 200.00 feet to a point for  
 4-57 corner;  
 4-58 S 50° 14' 00" E, a distance of 800.00 feet to a point for  
 4-59 corner;  
 4-60 S 61° 40' 00" E, a distance of 685.00 feet to a point for  
 4-61 corner;  
 4-62 S 72° 40' 00" E, a distance of 11.59 feet to a point for  
 4-63 corner being in the western line of a called 1410.69 acre  
 4-64 tract described as Second Tract in the deed recorded in  
 4-65 Volume 362, Page 549 of the F.B.C.D.R.;  
 4-66 THENCE, SOUTH, a distance of 2,145.78 feet along the line  
 4-67 common to said 1410.69 acre tract and said 3063.45 acre tract to the  
 4-68 southeast corner of the herein described tract and being in the  
 4-69 southern right-of-way line of Beadle Drive (80-foot wide);

5-1           THENCE, S 89° 58' 40" W, a distance of 10,824.34 feet along  
5-2 said southern right-of-way line to the southwest corner of the  
5-3 herein described tract and being in the west line of said 3063.45  
5-4 acre tract;

5-5           THENCE, NORTH, a distance of 6,982.18 feet to the POINT OF  
5-6 BEGINNING and containing 1367.84 acres of land.

5-7           SECTION 3. (a) The legal notice of the intention to  
5-8 introduce this Act, setting forth the general substance of this  
5-9 Act, has been published as provided by law, and the notice and a  
5-10 copy of this Act have been furnished to all persons, agencies,  
5-11 officials, or entities to which they are required to be furnished  
5-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-13 Government Code.

5-14           (b) The governor, one of the required recipients, has  
5-15 submitted the notice and Act to the Texas Commission on  
5-16 Environmental Quality.

5-17           (c) The Texas Commission on Environmental Quality has filed  
5-18 its recommendations relating to this Act with the governor, the  
5-19 lieutenant governor, and the speaker of the house of  
5-20 representatives within the required time.

5-21           (d) All requirements of the constitution and laws of this  
5-22 state and the rules and procedures of the legislature with respect  
5-23 to the notice, introduction, and passage of this Act are fulfilled  
5-24 and accomplished.

5-25           SECTION 4. (a) If this Act does not receive a two-thirds  
5-26 vote of all the members elected to each house, Subchapter C, Chapter  
5-27 8455, Special District Local Laws Code, as added by Section 1 of  
5-28 this Act, is amended by adding Section 8455.106 to read as follows:

5-29           Sec. 8455.106. NO EMINENT DOMAIN POWER. The district may  
5-30 not exercise the power of eminent domain.

5-31           (b) This section is not intended to be an expression of a  
5-32 legislative interpretation of the requirements of Subsection (c),  
5-33 Section 17, Article I, Texas Constitution.

5-34           SECTION 5. This Act takes effect immediately if it receives  
5-35 a vote of two-thirds of all the members elected to each house, as  
5-36 provided by Section 39, Article III, Texas Constitution. If this  
5-37 Act does not receive the vote necessary for immediate effect, this  
5-38 Act takes effect September 1, 2013.

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