

1-1 By: Hegar S.B. No. 1067
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	<u>Hinojosa</u>	X		
1-9	<u>Nichols</u>	X		
1-10	<u>Garcia</u>	X		
1-11	<u>Paxton</u>	X		
1-12	<u>Taylor</u>	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. 211; 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 8463 to read as follows:

1-21 CHAPTER 8463. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 211

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8463.001. 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. 211.

1-30 Sec. 8463.002. 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. 8463.003. 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. 8463.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-38 temporary directors may not hold an election under Section 8463.003
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. 8463.005. 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. 8463.006. 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. 8463.051. 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 8463.052, directors serve
2-8 staggered four-year terms.

2-9 Sec. 8463.052. 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 8463.003; 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 8463.003 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 8463.003; 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. 8463.101. 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. 8463.102. 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. 8463.103. 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. 8463.104. 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, zoning and
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. 8463.105. 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. 8463.151. 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 8463.153.
 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. 8463.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-17 authorized at an election held under Section 8463.151, 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. 8463.153. 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. 8463.201. 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. 8463.202. 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. 8463.203. 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. 211 initially includes all the territory contained in the
 3-51 following area:
 3-52 BEING a 1259.60 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 1410.69 acre tract of land described as
 3-55 Second Tract and all of a called 20.6 acre tract described as Third
 3-56 Tract also all of a called 16.3 acre tract described as Fifth Tract
 3-57 in a conveyance to Foster Farms, Inc. recorded in Volume 362, Page
 3-58 549 of the Fort Bend County Deed Records (F.B.C.D.R.), said 1259.60
 3-59 acre tract of land described by metes and bounds as follows:
 3-60 BEGINNING at the most easterly northeast corner of said
 3-61 1410.69 acre tract and being in the eastern line of said John Foster
 3-62 2-1/2 League Grant and the western line of the William Andrews
 3-63 League, Abstract No. 3 of Fort Bend County also being in the west
 3-64 line of a called 174.27 acre tract described and recorded in Volume
 3-65 495, Page 841 of the F.B.C.D.R.;
 3-66 THENCE, along the east lines of said 1410.69 acre tract and
 3-67 the west lines of said 174.27 acre tract and a called 6.5331 acre
 3-68 tract described and recorded under F.B.C.C.F. No. 9818471 and a
 3-69 called 3.6430 acre tract described and recorded under F.B.C.C.F.

4-1 No. 9812369 also a called 194.2072 acre tract described and recorded
 4-2 under F.B.C.C.F. No. 2001015964 the following courses and
 4-3 distances:

4-4 S 00° 06' 00" E, a distance of 8,803.69 feet to a point
 4-5 for corner;

4-6 S 03° 02' 20" W, a distance of 1,460.00 feet to the
 4-7 northwest corner of a called 132 acres described and recorded under
 4-8 F.B.C.C.F. No. 9465434;

4-9 THENCE, along the southern lines of said 1410.69 acre tract
 4-10 and the northern lines of Evans Road (40-foot wide) the following
 4-11 courses and distances:

4-12 S 70° 59' 40" W, a distance of 193.60 feet to a point for
 4-13 corner;

4-14 S 83° 22' 20" W, a distance of 94.60 feet to a point for
 4-15 corner;

4-16 N 78° 41' 00" W, a distance of 123.30 feet to a point for
 4-17 corner;

4-18 N 70° 30' 40" W, a distance of 196.30 feet to a point for
 4-19 corner;

4-20 N 60° 46' 40" W, a distance of 154.40 feet to a point for
 4-21 corner;

4-22 N 54° 14' 30" W, a distance of 2,586.55 feet to a point
 4-23 for corner;

4-24 N 60° 10' 20" W, a distance of 167.80 feet to a point for
 4-25 corner;

4-26 N 64° 29' 30" W, a distance of 1,714.80 feet to a point
 4-27 for corner;

4-28 THENCE, S 16° 49' 30" W, a distance of 40.16 feet over said
 4-29 Evans Road to the northeast corner of said 16.3 acre tract and the
 4-30 northwest corner of a called 30 acre tract described and recorded
 4-31 under F.B.C.C.F. No. 2002110527;

4-32 THENCE, S 00° 20' 00" W, a distance of 1,155.74 feet along the
 4-33 line common to said 16.3 acre tract and said 30 acre tract to a point
 4-34 for corner and being approximately 200-feet from the northern high
 4-35 bank of the Brazos River;

4-36 THENCE, N 32° 26' 29" W, a distance of 2,756.87 feet along a
 4-37 line approximately 200-feet from the northern high bank of the
 4-38 Brazos River to the southwest corner of the herein described tract
 4-39 and being in the east line of a called 3063.45 acre tract described
 4-40 as First Tract in the deed recorded in Volume 362, Page 549 of the
 4-41 F.B.C.D.R.;

4-42 THENCE, NORTH, a distance of 6,932.93 feet along the line
 4-43 common to said 3063.45 acre tract and said 1410.69 acre tract to the
 4-44 northwest corner of the herein described tract and being in the
 4-45 southern right-of-way line of Beadle Drive (80-foot wide);

4-46 THENCE, N 89° 58' 40" E, a distance of 5,735.23 feet along
 4-47 said southern right-of-way line to a point for corner;

4-48 THENCE, S 00° 40' 10" E, a distance of 222.50 feet to a point
 4-49 for corner;

4-50 THENCE, S 88° 36' 40" E, a distance of 331.42 feet to the POINT
 4-51 OF BEGINNING and containing 1259.60 acres of land.

4-52 SECTION 3. (a) The legal notice of the intention to
 4-53 introduce this Act, setting forth the general substance of this
 4-54 Act, has been published as provided by law, and the notice and a
 4-55 copy of this Act have been furnished to all persons, agencies,
 4-56 officials, or entities to which they are required to be furnished
 4-57 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-58 Government Code.

4-59 (b) The governor, one of the required recipients, has
 4-60 submitted the notice and Act to the Texas Commission on
 4-61 Environmental Quality.

4-62 (c) The Texas Commission on Environmental Quality has filed
 4-63 its recommendations relating to this Act with the governor, the
 4-64 lieutenant governor, and the speaker of the house of
 4-65 representatives within the required time.

4-66 (d) All requirements of the constitution and laws of this
 4-67 state and the rules and procedures of the legislature with respect
 4-68 to the notice, introduction, and passage of this Act are fulfilled
 4-69 and accomplished.

5-1 SECTION 4. (a) If this Act does not receive a two-thirds
5-2 vote of all the members elected to each house, Subchapter C, Chapter
5-3 8463, Special District Local Laws Code, as added by Section 1 of
5-4 this Act, is amended by adding Section 8463.106 to read as follows:

5-5 Sec. 8463.106. NO EMINENT DOMAIN POWER. The district may
5-6 not exercise the power of eminent domain.

5-7 (b) This section is not intended to be an expression of a
5-8 legislative interpretation of the requirements of Subsection (c),
5-9 Section 17, Article I, Texas Constitution.

5-10 SECTION 5. This Act takes effect immediately if it receives
5-11 a vote of two-thirds of all the members elected to each house, as
5-12 provided by Section 39, Article III, Texas Constitution. If this
5-13 Act does not receive the vote necessary for immediate effect, this
5-14 Act takes effect September 1, 2013.

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