

1-1 By: Hegar S.B. No. 1068  
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. 212; 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 8445 to read as follows:

1-21 CHAPTER 8445. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 212

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8445.001. 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. 212.

1-30 Sec. 8445.002. 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. 8445.003. 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. 8445.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-38 temporary directors may not hold an election under Section 8445.003  
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. 8445.005. 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. 8445.006. 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. 8445.051. 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 8445.052, directors serve

2-8 staggered four-year terms.

2-9 Sec. 8445.052. 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 8445.003; 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 8445.003 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 8445.003; 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. 8445.101. 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. 8445.102. 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. 8445.103. 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. 8445.104. 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. 8445.105. 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. 8445.151. 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 8445.153.  
 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. 8445.152. OPERATION AND MAINTENANCE TAX. (a) If  
 3-17 authorized at an election held under Section 8445.151, 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. 8445.153. 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. 8445.201. 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. 8445.202. 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. 8445.203. 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. 212 initially includes all the territory contained in the  
 3-51 following area:  
 3-52 TRACT 1  
 3-53 BEING a 444.86 acre tract of land situated in the John Foster  
 3-54 2-1/2 League Grant, Abstract No. 26 of Fort Bend County, Texas and  
 3-55 being part of a called 1410.69 acre tract of land described as  
 3-56 Second Tract and all of a called 265.11 acre tract described as  
 3-57 Forth Tract and all of a called 34.8 acre tract described as Sixth  
 3-58 Tract also all of a called 0.72 acre tract described as Seventh  
 3-59 Tract in a conveyance to Foster Farms, Inc. recorded in Volume 362,  
 3-60 Page 549 of the Fort Bend County Deed Records (F.B.C.D.R.), said  
 3-61 444.86 acre tract of land described by metes and bounds as follows:  
 3-62 BEGINNING at the northeast corner of said 265.11 acre tract  
 3-63 and being in the southern right-of-way line of F. M. 359 (100-foot  
 3-64 wide);  
 3-65 THENCE, S 00° 39' 06" E, a distance of 4,527.65 feet to the  
 3-66 southeast corner of the herein described tract and being in the  
 3-67 southern right-of-way line of Beadle Drive (80-foot wide);  
 3-68 THENCE, S 89° 58' 40" W, a distance of 5,735.23 feet along  
 3-69 said southern right-of-way line to the southwest corner of the

4-1 herein described tract and being in the west line of said 1410.69  
4-2 acre tract and the east line of a called 3063.45 acre tract  
4-3 described as First Tract in the deed recorded in Volume 362, Page  
4-4 549 of the F.B.C.D.R.;

4-5       THENCE, NORTH, a distance of 2,145.78 feet along the line  
4-6 common to said 1410.69 acre tract and said 3063.45 acre tract to an  
4-7 angle point;

4-8       THENCE, N 00° 03' 10" E, a distance of 212.73 feet to the most  
4-9 westerly northwest corner of the herein described tract and being  
4-10 in the centerline of Jones Creek;

4-11       THENCE, along the centerline of Jones Creek the following  
4-12 courses and distances:

4-13             S 78° 51' 08" E, a distance of 391.70 feet to a point for  
4-14 corner;

4-15             N 84° 10' 17" E, a distance of 331.68 feet to a point for  
4-16 corner;

4-17             N 76° 23' 23" E, a distance of 204.37 feet to a point for  
4-18 corner;

4-19             N 70° 21' 24" E, a distance of 176.10 feet to a point for  
4-20 corner;

4-21             N 65° 02' 57" E, a distance of 120.94 feet to a point for  
4-22 corner;

4-23             N 73° 07' 51" E, a distance of 134.93 feet to a point for  
4-24 corner;

4-25             N 40° 10' 10" E, a distance of 140.10 feet to a point for  
4-26 corner;

4-27             N 29° 07' 50" E, a distance of 206.30 feet to a point for  
4-28 corner;

4-29             N 36° 42' 30" E, a distance of 179.60 feet to a point for  
4-30 corner;

4-31             N 46° 15' 10" E, a distance of 231.00 feet to a point for  
4-32 corner;

4-33             N 57° 46' 30" E, a distance of 210.50 feet to a point for  
4-34 corner;

4-35             N 60° 28' 30" E, a distance of 234.75 feet to a point for  
4-36 corner;

4-37             N 63° 30' 20" E, a distance of 209.90 feet to a point for  
4-38 corner;

4-39             N 75° 53' 50" E, a distance of 245.40 feet to a point for  
4-40 corner;

4-41             N 84° 23' 30" E, a distance of 314.25 feet to a point for  
4-42 corner;

4-43             S 87° 35' 30" E, a distance of 228.80 feet to a point for  
4-44 corner;

4-45             S 78° 18' 00" E, a distance of 302.14 feet to a point for  
4-46 corner;

4-47             S 71° 40' 10" E, a distance of 173.50 feet to a point for  
4-48 corner;

4-49             S 79° 09' 30" E, a distance of 326.40 feet to a point for  
4-50 corner;

4-51             N 79° 30' 30" E, a distance of 151.50 feet to a point for  
4-52 corner;

4-53             N 50° 57' 20" E, a distance of 209.40 feet to a point for  
4-54 corner;

4-55             N 29° 11' 50" E, a distance of 147.40 feet to a point for  
4-56 corner;

4-57             N 02° 35' 50" E, a distance of 202.20 feet to a point for  
4-58 corner;

4-59             N 07° 38' 30" W, a distance of 560.65 feet to a point for  
4-60 corner;

4-61             N 06° 01' 40" W, a distance of 671.97 feet to the most  
4-62 northerly northwest corner of the herein described tract;

4-63       THENCE, S 78° 30' 50" E, a distance of 117.07 feet to the  
4-64 southwest corner of said 0.72 acre tract;

4-65       THENCE, N 11° 29' 10" E, a distance of 23.31 feet to northwest  
4-66 corner of said 0.72 acre tract and being in the southern  
4-67 right-of-way line of said F. M. 359;

4-68       THENCE, along the southern right-of-way lines of said F. M.  
4-69 359 the following courses and distances:

5-1 S 69° 55' 20" E, a distance of 1,402.20 feet to the point  
 5-2 of curvature of a curve to the right;

5-3 In an Southeasterly direction along said curve to the  
 5-4 right, a distance of 92.41 feet, having a radius of 3,770.00 feet, a  
 5-5 central angle of 01° 24' 16" and a chord which bears S 69° 13' 12" E,  
 5-6 92.41 feet to the POINT OF BEGINNING and containing 454.86 acres of  
 5-7 land, save and except a called 10.00 acre tract described and  
 5-8 recorded under F.B.C.C.F. No. 2005020111 leaving a net acreage of  
 5-9 444.86 acres of land.

5-10 TRACT 2

5-11 BEING a 47.97 acre tract of land situated in the John Foster  
 5-12 2-1/2 League Grant, Abstract No. 26 of Fort Bend County, Texas and  
 5-13 being part of a called 3063.45 acre tract of land described as First  
 5-14 Tract in a conveyance to Foster Farms, Inc. recorded in Volume 362,  
 5-15 Page 549 of the Fort Bend County Deed Records (F.B.C.D.R.), said  
 5-16 47.97 acre tract of land described by metes and bounds as follows:

5-17 COMMENCING at the southwest corner of a called 128.109 acre  
 5-18 tract described and recorded in Volume 757, Page 585 of the  
 5-19 F.B.C.D.R.;

5-20 THENCE, N 00° 03' 10" E, a distance of 127.03 feet along the  
 5-21 west line of said 128.109 acre tract to the southeast corner of the  
 5-22 herein described tract and being the POINT OF BEGINNING;

5-23 THENCE, along the lines common to the herein described tract  
 5-24 and a called 39.503 acre tract described and recorded in Volume 27,  
 5-25 Page 548 of the F.B.C.D.R. the following courses and distances:

- 5-26 N 75° 04' 00" W, a distance of 14.61 feet to a point for
- 5-27 corner;
- 5-28 N 64° 54' 00" W, a distance of 170.00 feet to a point for
- 5-29 corner;
- 5-30 N 59° 54' 00" W, a distance of 164.00 feet to a point for
- 5-31 corner;
- 5-32 N 47° 02' 00" W, a distance of 566.00 feet to a point for
- 5-33 corner;
- 5-34 N 48° 54' 00" W, a distance of 1000.00 feet to a point
- 5-35 for corner;
- 5-36 N 62° 04' 00" W, a distance of 242.00 feet to a point for
- 5-37 corner;
- 5-38 N 37° 29' 00" W, a distance of 447.00 feet to a point for
- 5-39 corner;
- 5-40 N 10° 20' 00" W, a distance of 123.00 feet to a point for
- 5-41 corner;
- 5-42 N 22° 41' 00" W, a distance of 145.00 feet to a point for
- 5-43 corner;
- 5-44 N 04° 35' 00" E, a distance of 166.50 feet to a point for
- 5-45 corner;
- 5-46 N 29° 03' 00" E, a distance of 161.50 feet to a point for
- 5-47 corner;
- 5-48 N 59° 03' 00" E, a distance of 150.00 feet to a point for
- 5-49 corner;
- 5-50 N 86° 43' 00" E, a distance of 300.00 feet to a point for
- 5-51 corner;
- 5-52 S 44° 11' 00" E, a distance of 600.00 feet to a point for
- 5-53 corner;
- 5-54 S 35° 19' 00" E, a distance of 225.00 feet to a point for
- 5-55 corner;
- 5-56 S 56° 05' 00" E, a distance of 400.00 feet to a point for
- 5-57 corner;
- 5-58 S 69° 31' 00" E, a distance of 300.00 feet to a point for
- 5-59 corner;
- 5-60 S 88° 24' 00" E, a distance of 300.00 feet to a point for
- 5-61 corner;

5-62 N 77° 12' 00" E, a distance of 63.36 feet to the  
 5-63 northeast corner of the herein described tract and being in the west  
 5-64 line of said 128.109 acre tract;

5-65 THENCE, S 00° 03' 10" W, a distance of 1,389.24 feet along the  
 5-66 west line of said 128.109 acre tract to the POINT OF BEGINNING and  
 5-67 containing 47.97 acres of land.

5-68 SECTION 3. (a) The legal notice of the intention to  
 5-69 introduce this Act, setting forth the general substance of this

6-1 Act, has been published as provided by law, and the notice and a  
6-2 copy of this Act have been furnished to all persons, agencies,  
6-3 officials, or entities to which they are required to be furnished  
6-4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6-5 Government Code.

6-6 (b) The governor, one of the required recipients, has  
6-7 submitted the notice and Act to the Texas Commission on  
6-8 Environmental Quality.

6-9 (c) The Texas Commission on Environmental Quality has filed  
6-10 its recommendations relating to this Act with the governor, the  
6-11 lieutenant governor, and the speaker of the house of  
6-12 representatives within the required time.

6-13 (d) All requirements of the constitution and laws of this  
6-14 state and the rules and procedures of the legislature with respect  
6-15 to the notice, introduction, and passage of this Act are fulfilled  
6-16 and accomplished.

6-17 SECTION 4. (a) If this Act does not receive a two-thirds  
6-18 vote of all the members elected to each house, Subchapter C, Chapter  
6-19 8445, Special District Local Laws Code, as added by Section 1 of  
6-20 this Act, is amended by adding Section 8445.106 to read as follows:

6-21 Sec. 8445.106. NO EMINENT DOMAIN POWER. The district may  
6-22 not exercise the power of eminent domain.

6-23 (b) This section is not intended to be an expression of a  
6-24 legislative interpretation of the requirements of Subsection (c),  
6-25 Section 17, Article I, Texas Constitution.

6-26 SECTION 5. This Act takes effect immediately if it receives  
6-27 a vote of two-thirds of all the members elected to each house, as  
6-28 provided by Section 39, Article III, Texas Constitution. If this  
6-29 Act does not receive the vote necessary for immediate effect, this  
6-30 Act takes effect September 1, 2013.

6-31

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