

1-1 By: Hegar S.B. No. 1069
 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. 213; granting a limited power of eminent domain;
 1-17 providing authority to impose a tax and issue bonds.

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 8459 to read as follows:

1-21 CHAPTER 8459. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 213

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8459.001. 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. 213.

1-30 Sec. 8459.002. 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. 8459.003. 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. 8459.004. CONSENT OF MUNICIPALITY REQUIRED. The

1-38 temporary directors may not hold an election under Section 8459.003

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. 8459.005. 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. 8459.006. 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. 8459.051. 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 8459.052, directors serve
2-8 staggered four-year terms.

2-9 Sec. 8459.052. 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 8459.003; 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 8459.003 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 8459.003; 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. 8459.101. 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. 8459.102. 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. 8459.103. 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. 8459.104. 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. 8459.105. 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. 8459.151. 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 8459.153.
 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. 8459.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-17 authorized at an election held under Section 8459.151, 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. 8459.153. 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. 8459.201. 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. 8459.202. 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. 8459.203. 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. 213 initially includes all the territory contained in the
 3-51 following area:
 3-52 Being 580.500 acres of land located in the Noel F. Roberts
 3-53 1-1/4 League, Abstract 79, the Thomas Westall League, Abstract 92,
 3-54 and the Randolph Foster league, Abstract 28, Fort Bend County,
 3-55 Texas, more particularly being all of that certain called 374.202
 3-56 acre tract conveyed to HUNT ROAD & POOL HILL FARMS, INC., by an
 3-57 instrument of record in File No. 2010122491, Official Public
 3-58 Records, of said Fort Bend County (F.B.C.O.P.R.), and a portion of
 3-59 that certain called 753.14 acre tract conveyed to TWINWOOD (U.S.),
 3-60 INC. by an instrument of record in File No. 2010042222,
 3-61 F.B.C.O.P.R. said 580.500 acres being more particularly described
 3-62 in two parts by metes and bounds as follows (all bearings are
 3-63 assumed);
 3-64 PART ONE
 3-65 BEGINNING at a 1/2-inch iron pipe found marking the northwest
 3-66 corner of said 304.5 acre tract, same being the northwest corner of
 3-67 said Noel F. Roberts 1-1/4 League, the southwest corner of the Isaac
 3-68 Newton Charles Survey, A-17, on the east line of the Randolph Foster
 3-69 League, Abstract 28;

4-1 Thence, with the north line of said 304.5 acre tract and with
 4-2 the common survey line of said Isaac Newton Charles Survey and the
 4-3 Noel F. Roberts 1-1/4 League, North 88° 47' 03" East (called South
 4-4 89° 40' East), at 476.31 feet pass a found 5/8-inch iron rod with cap
 4-5 stamped "KALKOMEY SURVEYING", at 939.69 feet pass a found 1/2-inch
 4-6 iron pipe, at 1,253.81 feet pass a found 1/2-inch iron pipe, at
 4-7 1,539.66 feet pass a found 1/2-inch iron pipe, at 2,079.81 feet pass
 4-8 a found 1/2-inch iron pipe, at 5,757.10 feet pass a found 5/8-inch
 4-9 iron rod 4.52 feet left, at 5,777.34 feet pass a found 5/8-inch iron
 4-10 rod with cap stamped "TEJAS" 17.68 feet left, at 5,777.54 feet pass
 4-11 a found 1/2-inch iron pipe 2.58 feet right, at 6,791.52 feet pass a
 4-12 found 5/8-inch iron rod 22.35 feet left and continuing a total
 4-13 distance of 6,941.76 feet (called 6,937.1 feet) to a 1-inch square
 4-14 rod found marking the northeast corner of said 304.5 acre tract,
 4-15 same being the northwest corner of said 68.93 acre tract, from which
 4-16 a found 1/2-inch iron pipe bears North 38° 01' 10" West, 0.29 feet;

4-17 Thence, with the north line of said 68.93 acre tract and
 4-18 continuing with said common survey line, North 87° 57' 59" East
 4-19 (called North 89° 31' 10" East), at 0.44 feet pass a found 5/8-inch
 4-20 iron rod 20.02 feet left, at 1,765.40 feet pass a found 1/2-inch
 4-21 iron pipe and continuing a total distance of 1,795.40 feet (called
 4-22 1,794.8 feet) to a PK Nail set in asphalt marking the northeast
 4-23 corner of said 68.93 acre tract, same being the northeast corner of
 4-24 said Noel F. Roberts 1-1/4 League, and angle point in the southerly
 4-25 line of said Isaac Newton Charles Survey and on the west line of the
 4-26 Joseph San Pierre Labor, A-81;

4-27 Thence, with the east line of said 68.93 acre tract and with
 4-28 the common survey line of said Noel F. Roberts 1-1/4 League and said
 4-29 Joseph San Pierre Labor, South 03° 38' 00" East (called South 02° 07'
 4-30 20" East), 1,690.01 feet to a PK Nail set in asphalt marking the
 4-31 southeast corner of said 68.93 acre tract;

4-32 Thence, with the south line of said 68.93 acre tract, South
 4-33 87° 21' 45" West (called South 88° 55' 10" West), at 30.00 feet pass a
 4-34 1-1/2-inch iron pipe and continuing a total distance of 1,741.83
 4-35 feet (called 1,741.5 feet) to a 3/4-inch iron pipe found marking the
 4-36 southwest corner of said 68.93 acre tract, same being the southeast
 4-37 corner of the aforementioned 304.5 acre tract;

4-38 Thence, with the southerly lines of said 304.5 acre tract,
 4-39 the following nine (9) courses:

4-40 1) South 87° 34' 14" West (called South 89° 06' West), at
 4-41 40.77 feet pass a found 1/2-inch iron rod, at 1,021.35 feet pass a
 4-42 found 1/2-inch iron rod (bent), at 1,349.43 feet pass a found
 4-43 1/2-inch iron rod (bent) and continuing a total distance of
 4-44 1,552.69 feet (called 1,553.3 feet) to a found 1/2-inch iron pipe
 4-45 for corner;

4-46 2) South 88° 17' 58" West (called South 89° 53' West), at
 4-47 543.82 feet pass a found 1/2-inch iron rod, at 1,072.28 feet pass a
 4-48 found 1/2-inch iron rod and continuing a total distance of 1,398.93
 4-49 feet (called 1,398.8 feet) to a 1/2-inch iron pipe found for corner;

4-50 3) South 88° 41' 22" West (called North 89° 59' West), at
 4-51 212.57 feet pass a found 1/2-inch iron rod and continuing a total
 4-52 distance of 509.84 feet (called 510.4 feet) to a 1/2-inch iron pipe
 4-53 found for corner;

4-54 4) North 88° 28' 03" West (called North 86° 52' West), at
 4-55 414.15 feet pass a found 1/2-inch iron pipe, from which a found
 4-56 3/4-inch iron pipe bears South 79° 28' 45" West, 0.07 feet, at 564.06
 4-57 feet pass a found 1/2-inch iron pipe and continuing a total distance
 4-58 of 917.85 feet (called 918 feet) to a 1/2-inch iron pipe found
 4-59 marking a reentrant corner of said 304.5 acre tract, from which a
 4-60 found 1-inch iron pipe bears North 75° 57' 17" West, 3.57 feet;

4-61 5) South 01° 32' 01" East, 376.60 feet (called South 0° 34'
 4-62 East, 376.4 feet) to a 2 1/2-inch iron pipe filled with concrete
 4-63 found for corner;

4-64 6) South 82° 56' 56" West, 2,153.14 feet (called South 84° 30'
 4-65 West, 2,153 feet) to a 1-inch iron pipe found marking the most
 4-66 southerly southwest corner of said 304.5 acre tract;

4-67 7) North 38° 07' 55" West, 184.80 feet (called North 38° 05'
 4-68 West, 182.6 feet) to a PK Nail set in asphalt for corner;

4-69 8) North 50° 57' 38" West, 100.00 feet (called North 49° 20'

5-1 West, 100 feet) to a PK Nail set in asphalt for corner;
 5-2 9) North 61° 17' 38" West (called North 59° 40' West, 400
 5-3 feet), 400.00 feet to a to a chiseled "X" in concrete foundation of
 5-4 a masonry column set marking the most westerly southwest corner of
 5-5 said 304.5 acre tract, same being on the west line of the
 5-6 aforementioned Noel F. Roberts 1-1/4 League;
 5-7 Thence, with the west line of said 304.5 acre tract and the
 5-8 west line of said Noel F. Roberts 1-1/4 League, North 01° 40' 38"
 5-9 West (called North 0° 03' West), at 1,638.97 feet pass a found
 5-10 1/2-inch iron pipe (bent) and continuing a total distance of
 5-11 1,891.30 feet (called 1,891.3 feet) to the POINT OF BEGINNING and
 5-12 containing 374.202 acres of land.

5-13 PART TWO

5-14 BEGINNING at the northeast corner of the aforementioned
 5-15 753.14 acre tract being on the west right-of-way line of F.M.
 5-16 Highway 1489 (100-foot wide);

5-17 Thence, South 08° 29' 10" West, along the common line of said
 5-18 753.14 acres and F.M. Highway 1489, 1309.56 feet to a point for
 5-19 corner, the beginning of a curve;

5-20 Thence, continuing along said common line, along the arc of a
 5-21 tangent curve to the left having a radius of 2915.00 feet, a central
 5-22 angle of 13° 18' 58", an arc length of 677.47 feet, and a chord which
 5-23 bears South 01° 49' 41" West, 675.95 feet to a point for corner;

5-24 Thence, South 04° 49' 47" East, continuing along said common
 5-25 line, 366.55 feet to a point for corner;

5-26 Thence, North 58° 01' 50" West, 344.69 feet to a point for
 5-27 corner;

5-28 Thence, North 67° 52' 22" West, 486.32 feet to a point for
 5-29 corner;

5-30 Thence, North 77° 58' 51" West, 484.53 feet to a point for
 5-31 corner;

5-32 Thence, North 86° 41' 50" West, 354.17 feet to a point for
 5-33 corner;

5-34 Thence, North 89° 52' 54" West, 136.95 feet to a point for
 5-35 corner;

5-36 Thence, South 81° 42' 43" West, 69.88 feet to a point for
 5-37 corner;

5-38 Thence, North 89° 37' 02" West, 1424.54 feet to a point for
 5-39 corner;

5-40 Thence, South 88° 57' 19" West, 182.21 feet to a point for
 5-41 corner;

5-42 Thence, South 82° 02' 27" West, 482.09 feet to a point for
 5-43 corner;

5-44 Thence, South 72° 03' 46" West, 486.22 feet to a point for
 5-45 corner;

5-46 Thence, South 61° 57' 08" West, 233.22 feet to a point for
 5-47 corner on the east bank of the Brazos River;

5-48 Thence, along the east bank of the Brazos River, the
 5-49 following fourteen (14) meanders:

5-50 1) North 17° 44' 47" West, 107.33 feet to a point for corner;

5-51 2) North 20° 07' 24" West, 157.79 feet to a point for corner;

5-52 3) North 15° 43' 07" West, 193.69 feet to a point for corner;

5-53 4) North 19° 22' 20" West, 236.23 feet to a point for corner;

5-54 5) North 18° 32' 59" West, 174.71 feet to a point for corner;

5-55 6) North 15° 37' 20" West, 138.21 feet to a point for

5-56 7) North 04° 12' 38" East, 148.92 feet to a point for corner;

5-57 8) North 13° 04' 30" West, 128.01 feet to a point for corner;

5-58 9) North 06° 53' 54" West, 148.38 feet to a point for corner;

5-59 10) North 16° 59' 58" West, 204.57 feet to a point for
 5-60 corner;

5-61 11) North 09° 12' 42" West, 115.68 feet to a point for
 5-62 corner;

5-63 12) North 23° 22' 04" West, 125.07 feet to a point for
 5-64 corner;

5-65 13) North 11° 23' 30" West, 91.41 feet to a point for corner;

5-66 14) Thence, North 09° 52' 05" West, 91.87 feet to a point for
 5-67 corner;

5-68 Thence, North 87° 54' 31" East, leaving said east bank of the
 5-69 Brazos River 810.55 feet to a point for corner;

6-1 Thence, North 87° 39' 52" East, along the north line of the
6-2 aforementioned 753.14 acre tract, 1000.53 feet to a point for
6-3 corner;

6-4 Thence, North 88° 12' 04" East, continuing along said north
6-5 line, 999.05 feet to a point for corner;

6-6 Thence, North 87° 58' 49" East, continuing along said north
6-7 line, 1000.18 feet to a point for corner;

6-8 Thence, North 87° 38' 33" East, continuing along said north
6-9 line, 1414.59 feet to the POINT OF BEGINNING and containing 206.298
6-10 acres of land.

6-11 Said Part One and Part Two containing a total of 580.500 acres
6-12 of land.

6-13 SECTION 3. (a) The legal notice of the intention to
6-14 introduce this Act, setting forth the general substance of this
6-15 Act, has been published as provided by law, and the notice and a
6-16 copy of this Act have been furnished to all persons, agencies,
6-17 officials, or entities to which they are required to be furnished
6-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-19 Government Code.

6-20 (b) The governor, one of the required recipients, has
6-21 submitted the notice and Act to the Texas Commission on
6-22 Environmental Quality.

6-23 (c) The Texas Commission on Environmental Quality has filed
6-24 its recommendations relating to this Act with the governor, the
6-25 lieutenant governor, and the speaker of the house of
6-26 representatives within the required time.

6-27 (d) All requirements of the constitution and laws of this
6-28 state and the rules and procedures of the legislature with respect
6-29 to the notice, introduction, and passage of this Act are fulfilled
6-30 and accomplished.

6-31 SECTION 4. (a) If this Act does not receive a two-thirds
6-32 vote of all the members elected to each house, Subchapter C, Chapter
6-33 8459, Special District Local Laws Code, as added by Section 1 of
6-34 this Act, is amended by adding Section 8459.106 to read as follows:

6-35 Sec. 8459.106. NO EMINENT DOMAIN POWER. The district may
6-36 not exercise the power of eminent domain.

6-37 (b) This section is not intended to be an expression of a
6-38 legislative interpretation of the requirements of Subsection (c),
6-39 Section 17, Article I, Texas Constitution.

6-40 SECTION 5. This Act takes effect immediately if it receives
6-41 a vote of two-thirds of all the members elected to each house, as
6-42 provided by Section 39, Article III, Texas Constitution. If this
6-43 Act does not receive the vote necessary for immediate effect, this
6-44 Act takes effect September 1, 2013.

6-45 * * * * *