

1-1 By: Hegar S.B. No. 1843
1-2 (In the Senate - Filed March 19, 2013; March 20, 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 Fulshear Municipal Utility District
1-16 No. 2; providing authority to impose a tax and issue bonds; granting
1-17 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 8480 to read as follows:

1-21 CHAPTER 8480. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 2

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8480.001. 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 Fulshear Municipal Utility
1-29 District No. 2.

1-30 Sec. 8480.002. 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. 8480.003. 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. 8480.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-38 temporary directors may not hold an election under Section 8480.003
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. 8480.005. 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. 8480.006. 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. 8480.051. 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 8480.052, directors serve
 2-8 staggered four-year terms.

2-9 Sec. 8480.052. TEMPORARY DIRECTORS. (a) On or after
 2-10 September 1, 2013, the owner or owners of a majority of the assessed
 2-11 value of the real property in the district may submit a petition to
 2-12 the commission requesting that the commission appoint as temporary
 2-13 directors the five persons named in the petition. The commission
 2-14 shall appoint as temporary directors the five persons named in the
 2-15 petition.

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

2-17 (1) the date permanent directors are elected under
 2-18 Section 8480.003; or

2-19 (2) September 1, 2017.

2-20 (c) If permanent directors have not been elected under
 2-21 Section 8480.003 and the terms of the temporary directors have
 2-22 expired, successor temporary directors shall be appointed or
 2-23 reappointed as provided by Subsection (d) to serve terms that
 2-24 expire on the earlier of:

2-25 (1) the date permanent directors are elected under
 2-26 Section 8480.003; or

2-27 (2) the fourth anniversary of the date of the
 2-28 appointment or reappointment.

2-29 (d) If Subsection (c) applies, the owner or owners of a
 2-30 majority of the assessed value of the real property in the district
 2-31 may submit a petition to the commission requesting that the
 2-32 commission appoint as successor temporary directors the five
 2-33 persons named in the petition. The commission shall appoint as
 2-34 successor temporary directors the five persons named in the
 2-35 petition.

2-36 SUBCHAPTER C. POWERS AND DUTIES

2-37 Sec. 8480.101. GENERAL POWERS AND DUTIES. The district has
 2-38 the powers and duties necessary to accomplish the purposes for
 2-39 which the district is created.

2-40 Sec. 8480.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-41 DUTIES. The district has the powers and duties provided by the
 2-42 general law of this state, including Chapters 49 and 54, Water Code,
 2-43 applicable to municipal utility districts created under Section 59,
 2-44 Article XVI, Texas Constitution.

2-45 Sec. 8480.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-46 52, Article III, Texas Constitution, the district may design,
 2-47 acquire, construct, finance, issue bonds for, improve, operate,
 2-48 maintain, and convey to this state, a county, or a municipality for
 2-49 operation and maintenance macadamized, graveled, or paved roads, or
 2-50 improvements, including storm drainage, in aid of those roads.

2-51 Sec. 8480.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-52 road project must meet all applicable construction standards,
 2-53 zoning and subdivision requirements, and regulations of each
 2-54 municipality in whose corporate limits or extraterritorial
 2-55 jurisdiction the road project is located.

2-56 (b) If a road project is not located in the corporate limits
 2-57 or extraterritorial jurisdiction of a municipality, the road
 2-58 project must meet all applicable construction standards,
 2-59 subdivision requirements, and regulations of each county in which
 2-60 the road project is located.

2-61 (c) If the state will maintain and operate the road, the
 2-62 Texas Transportation Commission must approve the plans and
 2-63 specifications of the road project.

2-64 Sec. 8480.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-65 OR RESOLUTION. (a) The district shall comply with all applicable
 2-66 requirements of any ordinance or resolution that is adopted under
 2-67 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-68 creation of the district or to the inclusion of land in the
 2-69 district.

3-1 (b) Section 54.016(f), Water Code, does not apply to the
3-2 district.

3-3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-4 Sec. 8480.151. ELECTIONS REGARDING TAXES OR BONDS.

3-5 (a) The district may issue, without an election, bonds and other
3-6 obligations secured by:

3-7 (1) revenue other than ad valorem taxes; or

3-8 (2) contract payments described by Section 8480.153.

3-9 (b) The district must hold an election in the manner
3-10 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-11 before the district may impose an ad valorem tax or issue bonds
3-12 payable from ad valorem taxes.

3-13 (c) The district may not issue bonds payable from ad valorem
3-14 taxes to finance a road project unless the issuance is approved by a
3-15 vote of a two-thirds majority of the district voters voting at an
3-16 election held for that purpose.

3-17 Sec. 8480.152. OPERATION AND MAINTENANCE TAX. (a) If
3-18 authorized at an election held under Section 8480.151, the district
3-19 may impose an operation and maintenance tax on taxable property in
3-20 the district in accordance with Section 49.107, Water Code.

3-21 (b) The board shall determine the tax rate. The rate may not
3-22 exceed the rate approved at the election.

3-23 Sec. 8480.153. CONTRACT TAXES. (a) In accordance with
3-24 Section 49.108, Water Code, the district may impose a tax other than
3-25 an operation and maintenance tax and use the revenue derived from
3-26 the tax to make payments under a contract after the provisions of
3-27 the contract have been approved by a majority of the district voters
3-28 voting at an election held for that purpose.

3-29 (b) A contract approved by the district voters may contain a
3-30 provision stating that the contract may be modified or amended by
3-31 the board without further voter approval.

3-32 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-33 Sec. 8480.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-34 OBLIGATIONS. The district may issue bonds or other obligations
3-35 payable wholly or partly from ad valorem taxes, impact fees,
3-36 revenue, contract payments, grants, or other district money, or any
3-37 combination of those sources, to pay for any authorized district
3-38 purpose.

3-39 Sec. 8480.202. TAXES FOR BONDS. At the time the district
3-40 issues bonds payable wholly or partly from ad valorem taxes, the
3-41 board shall provide for the annual imposition of a continuing
3-42 direct ad valorem tax, without limit as to rate or amount, while all
3-43 or part of the bonds are outstanding as required and in the manner
3-44 provided by Sections 54.601 and 54.602, Water Code.

3-45 Sec. 8480.203. BONDS FOR ROAD PROJECTS. At the time of
3-46 issuance, the total principal amount of bonds or other obligations
3-47 issued or incurred to finance road projects and payable from ad
3-48 valorem taxes may not exceed one-fourth of the assessed value of the
3-49 real property in the district.

3-50 SECTION 2. The Fulshear Municipal Utility District No. 2
3-51 initially includes all the territory contained in the following
3-52 area:

3-53 All that certain 55.2 acre tract of land in the Enoch Latham Survey,
3-54 A-50, Fort Bend County, Texas and being all that certain called
3-55 5.384 acre tract of land conveyed to DHK Development by deed dated
3-56 01-02-2013 recorded at Clerk File Number 201300440, and all that
3-57 certain 39.98 acre tract of land conveyed to DHK Fulshear, LP
3-58 described in a deed dated 01-20-2013 recorded at Clerk File Number
3-59 201300442, and all that certain called 10.01 acre tract of land
3-60 conveyed to DHK Fulshear, LP described in a deed dated 02-20-2013
3-61 recorded at Clerk File Number 2013000439 in the Fort Bend Count Deed
3-62 Records and being more particularly described by metes and bounds
3-63 as follows, all bearings being referenced to the Texas Coordinate
3-64 System of 1983, all coordinates have surface values and may be
3-65 converted to grid by applying a combined scale factor of
3-66 0.99988107.

3-67 COMMENCING at a found 5/8" iron rod at a bend in the west
3-68 right-of-way line of Bois D'arc Lane and marking the northeast
3-69 corner of a called 10.01 acre tract of land conveyed to Roshanak

4-1 Haghshenas by deed recorded at Clerk File Number 2005007611, Fort
4-2 Bend County Deed Records, having coordinates of Y=13812242.07 X=:
4-3 2957906.95, THENCE S 01° 15' 13" E - 422.82', with said west
4-4 right-of-way line to a found 5/8" iron rod with cap marking the
4-5 POINT OF BEGINNING of the herein described tract;
4-6 THENCE S 01° 15' 13" E - 440.00', continuing with said west
4-7 right-of-way line to a to a found 5/8" iron rod for corner;
4-8 THENCE S 88° 26' 26" W - 455.80', with the north line of a called 4.99
4-9 acre tract conveyed to Robert Marion Kipp, et ux by deed recorded at
4-10 Clerk File Number 2008125853, Fort Bend County Deed Records, to a
4-11 point for corner;
4-12 THENCE S 02° 18' 15" E -113.13', with the west line of said 4.99 acre
4-13 tract to a point for corner;
4-14 THENCE S 88° 29' 00" W -1765.35', with the north line of a called
4-15 52.39 acre tract conveyed to Keith H. Williams by deed recorded at
4-16 Clerk File Number 1999087732, Fort Bend County Deed Records, to a
4-17 point for corner;
4-18 THENCE N 01° 58' 02" W - 451.92', with the east line of a called
4-19 200.7181 acre tract of land conveyed to Fulshear Land Investment
4-20 Partners, LTD by deed recorded at Clerk File Number 2006137093,
4-21 Fort Bend County Deed Records, to a point for corner;
4-22 THENCE with the east line of a called 34.93 acre tract of land
4-23 conveyed to G.R. Pickard Junior by deed recorded at Volume 499, Page
4-24 305 Fort Bend County Deed Records for the following 7 (seven)
4-25 courses and distances:
4-26 THENCE N 00° 38' 15" W - 772.40' to a found 5/8" iron rod with
4-27 cap for corner;
4-28 THENCE S 86° 51' 29" E - 331.86' to a point for corner;
4-29 THENCE N 04° 09' 24" E - 236.74' to a point for corner;
4-30 THENCE S 89° 50' 03" E - 36.49' to a point for corner;
4-31 THENCE N 03° 29' 34" W - 207.90' to a point for corner;
4-32 THENCE N 87° 14' 46" E - 211.12' to a point for corner;
4-33 THENCE N 01° 35' 56" W - 182.37' to a found 5/8" iron rod with
4-34 cap for corner;
4-35 THENCE S 70° 43' 34" E - 149.27' to a point for corner;
4-36 THENCE S 65° 41' 10" E - 95.23' to a point for corner;
4-37 THENCE S 68° 42' 29" E - 300.37' to a point for corner;
4-38 THENCE with the west line of a called 3.28 acre tract of land
4-39 conveyed to David Joseph Grace by deed recorded at Clerk File Number
4-40 2005007611, Fort Bend County Deed Records, for the following 4
4-41 (four) courses and distances:
4-42 THENCE S 27° 45' 03" E - 208.59' to a point for corner;
4-43 THENCE S 00° 08' 40" E - 162.89' to a point for corner;
4-44 THENCE S 35° 02' 38" W - 135.26' to a point for corner;
4-45 THENCE S 50° 37' 43" W - 202.68' to a point for corner;
4-46 THENCE N 88° 08' 22" E - 417.42', with the south line of said 3.28
4-47 acre tract to a point for corner;
4-48 THENCE S 01° 50' 25" E - 481.66', with the west line of the
4-49 aforementioned 10.01 acre Haghshenas tract to a point for corner;
4-50 THENCE N 88° 28' 58" E - 849.07', with the south line of said 10.01
4-51 acre tract to the POINT OF BEGINNING, containing 55.2397 acres
4-52 (2,406,242 square feet) of land more or less.
4-53 SECTION 3. (a) The legal notice of the intention to
4-54 introduce this Act, setting forth the general substance of this
4-55 Act, has been published as provided by law, and the notice and a
4-56 copy of this Act have been furnished to all persons, agencies,
4-57 officials, or entities to which they are required to be furnished
4-58 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-59 Government Code.
4-60 (b) The governor, one of the required recipients, has
4-61 submitted the notice and Act to the Texas Commission on
4-62 Environmental Quality.
4-63 (c) The Texas Commission on Environmental Quality has filed
4-64 its recommendations relating to this Act with the governor, the
4-65 lieutenant governor, and the speaker of the house of
4-66 representatives within the required time.
4-67 (d) All requirements of the constitution and laws of this
4-68 state and the rules and procedures of the legislature with respect
4-69 to the notice, introduction, and passage of this Act are fulfilled

5-1 and accomplished.

5-2 SECTION 4. (a) If this Act does not receive a two-thirds
5-3 vote of all the members elected to each house, Subchapter C, Chapter
5-4 8480, Special District Local Laws Code, as added by Section 1 of
5-5 this Act, is amended by adding Section 8480.106 to read as follows:

5-6 Sec. 8480.106. NO EMINENT DOMAIN POWER. The district may
5-7 not exercise the power of eminent domain.

5-8 (b) This section is not intended to be an expression of a
5-9 legislative interpretation of the requirements of Subsection (c),
5-10 Section 17, Article I, Texas Constitution.

5-11 SECTION 5. This Act takes effect September 1, 2013.

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