

1-1 By: Taylor S.B. No. 1846
 1-2 (In the Senate - Filed March 20, 2013; March 25, 2013, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 11, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; April 11, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the creation of the Brazoria County Municipal Utility
 1-16 District No. 49; granting a limited power of eminent domain;
 1-17 providing authority to issue bonds; providing authority to impose
 1-18 assessments, fees, and taxes.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-20 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-21 Code, is amended by adding Chapter 8427 to read as follows:

1-22 CHAPTER 8427. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 49

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 8427.001. DEFINITIONS. In this chapter:

1-25 (1) "Board" means the district's board of directors.
 1-26 (2) "Commission" means the Texas Commission on

1-27 Environmental Quality.
 1-28 (3) "Director" means a board member.
 1-29 (4) "District" means the Brazoria County Municipal

1-30 Utility District No. 49.
 1-31 Sec. 8427.002. NATURE OF DISTRICT. The district is a
 1-32 municipal utility district created under Section 59, Article XVI,
 1-33 Texas Constitution.

1-34 Sec. 8427.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-35 REQUIRED. The temporary directors shall hold an election to
 1-36 confirm the creation of the district and to elect five permanent
 1-37 directors as provided by Section 49.102, Water Code.

1-38 Sec. 8427.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-39 temporary directors may not hold an election under Section 8427.003
 1-40 until each municipality in whose corporate limits or
 1-41 extraterritorial jurisdiction the district is located has
 1-42 consented by ordinance or resolution to the creation of the
 1-43 district and to the inclusion of land in the district.

1-44 Sec. 8427.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-45 (a) The district is created to serve a public purpose and benefit.

1-46 (b) The district is created to accomplish the purposes of:
 1-47 (1) a municipal utility district as provided by
 1-48 general law and Section 59, Article XVI, Texas Constitution; and
 1-49 (2) Section 52, Article III, Texas Constitution, that
 1-50 relate to the construction, acquisition, improvement, operation,
 1-51 or maintenance of macadamized, graveled, or paved roads, or
 1-52 improvements, including storm drainage, in aid of those roads.

1-53 Sec. 8427.006. INITIAL DISTRICT TERRITORY. (a) The
 1-54 district is initially composed of the territory described by
 1-55 Section 2 of the Act enacting this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of
 1-57 the Act enacting this chapter form a closure. A mistake made in the
 1-58 field notes or in copying the field notes in the legislative process
 1-59 does not affect the district's:

1-60 (1) organization, existence, or validity;
 1-61 (2) right to issue any type of bond for the purposes

2-1 for which the district is created or to pay the principal of and
2-2 interest on a bond;
2-3 (3) right to impose a tax; or
2-4 (4) legality or operation.

2-5 SUBCHAPTER B. BOARD OF DIRECTORS

2-6 Sec. 8427.051. GOVERNING BODY; TERMS. (a) The district is
2-7 governed by a board of five elected directors.

2-8 (b) Except as provided by Section 8427.052, directors serve
2-9 staggered four-year terms.

2-10 Sec. 8427.052. TEMPORARY DIRECTORS. (a) On or after the
2-11 effective date of the Act enacting this chapter, the owner or owners
2-12 of a majority of the assessed value of the real property in the
2-13 district may submit a petition to the commission requesting that
2-14 the commission appoint as temporary directors the five persons
2-15 named in the petition. The commission shall appoint as temporary
2-16 directors the five persons named in the petition.

2-17 (b) Temporary directors serve until the earlier of:

2-18 (1) the date permanent directors are elected under
2-19 Section 8427.003; or

2-20 (2) the fourth anniversary of the effective date of
2-21 the Act enacting this chapter.

2-22 (c) If permanent directors have not been elected under
2-23 Section 8427.003 and the terms of the temporary directors have
2-24 expired, successor temporary directors shall be appointed or
2-25 reappointed as provided by Subsection (d) to serve terms that
2-26 expire on the earlier of:

2-27 (1) the date permanent directors are elected under
2-28 Section 8427.003; or

2-29 (2) the fourth anniversary of the date of the
2-30 appointment or reappointment.

2-31 (d) If Subsection (c) applies, the owner or owners of a
2-32 majority of the assessed value of the real property in the district
2-33 may submit a petition to the commission requesting that the
2-34 commission appoint as successor temporary directors the five
2-35 persons named in the petition. The commission shall appoint as
2-36 successor temporary directors the five persons named in the
2-37 petition.

2-38 SUBCHAPTER C. POWERS AND DUTIES

2-39 Sec. 8427.101. GENERAL POWERS AND DUTIES. The district has
2-40 the powers and duties necessary to accomplish the purposes for
2-41 which the district is created.

2-42 Sec. 8427.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-43 DUTIES. The district has the powers and duties provided by the
2-44 general law of this state, including Chapters 49 and 54, Water Code,
2-45 applicable to municipal utility districts created under Section 59,
2-46 Article XVI, Texas Constitution.

2-47 Sec. 8427.103. AUTHORITY FOR ROAD PROJECTS. Under Section
2-48 52, Article III, Texas Constitution, the district may design,
2-49 acquire, construct, finance, issue bonds for, improve, operate,
2-50 maintain, and convey to this state, a county, or a municipality for
2-51 operation and maintenance macadamized, graveled, or paved roads, or
2-52 improvements, including storm drainage, in aid of those roads.

2-53 Sec. 8427.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-54 road project must meet all applicable construction standards,
2-55 zoning and subdivision requirements, and regulations of each
2-56 municipality in whose corporate limits or extraterritorial
2-57 jurisdiction the road project is located.

2-58 (b) If a road project is not located in the corporate limits
2-59 or extraterritorial jurisdiction of a municipality, the road
2-60 project must meet all applicable construction standards,
2-61 subdivision requirements, and regulations of each county in which
2-62 the road project is located.

2-63 (c) If the state will maintain and operate the road, the
2-64 Texas Transportation Commission must approve the plans and
2-65 specifications of the road project.

2-66 Sec. 8427.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2-67 OR RESOLUTION. The district shall comply with all applicable
2-68 requirements of any ordinance or resolution that is adopted under
2-69 Section 54.016 or 54.0165, Water Code, and that consents to the

3-1 creation of the district or to the inclusion of land in the
3-2 district.

3-3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-4 Sec. 8427.151. 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 8427.153.

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. 8427.152. OPERATION AND MAINTENANCE TAX. (a) If
3-18 authorized at an election held under Section 8427.151, 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. 8427.153. 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. 8427.201. 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. 8427.202. 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. 8427.203. 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 Brazoria County Municipal Utility District
3-51 No. 49 initially includes all the territory contained in the
3-52 following area:

3-53 Being a 295.76 acre tract of land out of the Francis Moore
3-54 League, Abstract 100, Brazoria County, Texas; and being out of and a
3-55 portion of that certain called 2,075.08 acre tract of land as
3-56 conveyed in Special Warranty Deed to SUNTEX FULLER CORPORATION,
3-57 recorded in Clerk's File Number 99-003294 of the Official Public
3-58 Records of Real Property in Brazoria County, Texas; said 295.76
3-59 acre tract of land is more particularly described by metes and
3-60 bounds as follows;

3-61 COMMENCING at the Northwest corner of said 2,075.08 acre
3-62 tract of land, the Northwest corner of said Francis Moore League,
3-63 Abstract-100, being in the Centerline of F.M. 1462 (120-foot wide
3-64 right-of-way) as described in Volume 303, Page 215 in Deed Records
3-65 of Brazoria County, Texas; said point being at the intersection of
3-66 said Centerline F.M. 1462 and the East right-of-way line of County
3-67 Road 511 as recorded in Volume 548, Page 544 of the Deed Records of
3-68 Brazoria County, Texas;

3-69 THENCE South 27° 03' 00" East with the Southwesterly line of

4-1 said 2,075.08 acre tract, the Southwesterly line of Savannah
 4-2 Plantation, Section One, Block 1 (Unrecorded) passing at 60.00
 4-3 feet, the Southeasterly right-of-way line of said F.M. 1462,
 4-4 continuing with the Southwesterly line of said 2,075.08 acre tract,
 4-5 the Northeasterly right-of-way line of said County Road 511, in all
 4-6 a distance of 1,973.55 feet to the Southwest corner of said Savannah
 4-7 Plantation, Section One, Block 1 and the POINT OF BEGINNING of the
 4-8 herein described tract of land;

4-9 THENCE with the South and East lines of said Savannah
 4-10 Plantation, Section One, Block 1 as follows:

- 4-11 - South 84° 05' 00" East, 862.55 feet to a point for corner;
- 4-12 - North 62° 57' 00" East, 476.33 feet to a point for corner;
- 4-13 - North 27° 03' 00" West, 569.87 feet to a point for the

4-14 Southwest corner of Savannah Plantation, Section Two as recorded in
 4-15 Volume 20, Pages 333-334 of the Map Records of Brazoria County,
 4-16 Texas;

4-17 THENCE North 60° 26' 18" East with the Southeasterly line of
 4-18 said Savannah Plantation, Section Two, 2,866.75 feet to a point for
 4-19 corner, said point being the Northwest corner of Savannah
 4-20 Plantation, Section Three as recorded in Volume 21, Pages 1-2 of the
 4-21 Map Records of Brazoria County, Texas; said point also being in the
 4-22 Southwesterly right-of-way line of Savannah Plantation Drive (150'
 4-23 right-of-way) as recorded in said Section Three;

4-24 THENCE South 27° 01' 02" East with the Southwesterly
 4-25 right-of-way line of said Savannah Plantation Road, the
 4-26 Southwesterly line of said Savannah Plantation, Section Three,
 4-27 436.03 feet to a point for the Northeast corner of a called 2.84
 4-28 acre tract of land conveyed to S.P. Utility Company, Inc. as
 4-29 recorded in File Number 2003-040036 of the Clerk's Files of
 4-30 Brazoria County, Texas;

4-31 THENCE South 62° 58' 58" West with the Northwesterly line of
 4-32 said 2.84 acre tract, 382.38 feet to a point for the Northwest
 4-33 corner of said 2.84 acre tract;

4-34 THENCE South 19° 16' 54" East with the West line of said 2.84
 4-35 acre tract, 287.03 feet to a point for the Southwest corner of said
 4-36 2.84 acre tract;

4-37 THENCE North 70° 43' 06" East with the South line of said 2.84
 4-38 acre tract, 223.05 feet to an angle point for corner;

4-39 THENCE North 62° 58' 58" East with the Southeasterly line of
 4-40 said 2.84 acre tract, 200.00 feet to a point for the Southeast
 4-41 corner of said tract, being in the Southwesterly right-of-way line
 4-42 of said Savannah Plantation Road, the Southwesterly line of said
 4-43 Savannah Plantation, Section Three;

4-44 THENCE South 27° 01' 02" East with said Southwesterly
 4-45 right-of-way line, the Southwesterly line of said Savannah
 4-46 Plantation, Section Three, 304.52 feet to a point for the Northeast
 4-47 corner of a called 1.00 acre tract of land conveyed to S.P. Utility
 4-48 Company, Inc. as recorded in File Number 2003-040036 of the Clerk's
 4-49 Files of Brazoria County, Texas;

4-50 THENCE South 62° 58' 58" West with the Northwesterly line of
 4-51 said 1.00 acre tract, 181.50 feet to a point for the Northwest
 4-52 corner of said 1.00 acre tract;

4-53 THENCE South 27° 01' 02" East with the Westerly line of said
 4-54 1.00 acre tract, 240.00 feet to a point for the Southwest corner of
 4-55 said 1.00 acre tract;

4-56 THENCE North 62° 58' 58" East with the Southerly line of said
 4-57 1.00 acre tract, 181.50 feet to a point for the Southeast corner of
 4-58 said 1.00 acre tract, being in said Southwesterly right-of-way line
 4-59 of Savannah Plantation Road, the Southwesterly line of said
 4-60 Savannah Plantation, Section Three;

4-61 THENCE with the West line of said Savannah Plantation,
 4-62 Section Three, as follows:

- 4-63 - South 27° 01' 02" East, 153.29 feet to a point for corner,
- 4-64 at the beginning of a curve to the right;
- 4-65 - Along the arc of said curve to the right, having a chord of
- 4-66 South 10° 29' 48" East, 355.45 feet, a radius of 625.00 feet, a
- 4-67 central angle of 33° 02' 27", for an arc length of 360.42 feet to a
- 4-68 point for corner;
- 4-69 - South 06° 01' 25" West, 492.47 feet to a point for corner;

5-1 - North 83° 58' 35" West, 50.00 feet to a point for corner;
5-2 - South 06° 01' 25" West, 80.00 feet to a point for corner;
5-3 - South 83° 58' 35" East, 147.19 feet to a point for corner;
5-4 - South 06° 01' 25" West, 390.00 feet to a point for the
5-5 Southwest corner of said Savannah Plantation, Section Three;
5-6 THENCE South 83° 58' 35" East with the South line of said
5-7 Savannah Plantation, Section Three, 2,543.73 feet to a point for
5-8 the Easternmost corner of the herein described tract of land;
5-9 THENCE South 62° 54' 39" West with the Southeasterly line of
5-10 the herein described tract of land, the Northwesterly line of
5-11 Brazoria County Municipal Utility District Number 50, 498.21 feet
5-12 to a point for corner;
5-13 THENCE South 63° 00' 17" West continuing with the
5-14 Southeasterly line of the herein described tract of land, the
5-15 Northwesterly line of Brazoria County Municipal Utility District
5-16 Number 50, 3,951.47 feet to a point for the Southernmost Southwest
5-17 corner of the herein described tract of land, being in the
5-18 Northeasterly line of Savannah Plantation, Section One, Block 4
5-19 (Unrecorded);
5-20 THENCE North 27° 03' 00" West with said Northeasterly line of
5-21 said Section One, Block 4, 828.21 feet to a point for the Northeast
5-22 corner of said Section One, Block 4;
5-23 THENCE South 62° 57' 00" West with the Northwesterly line of
5-24 said Section One, Block 4, 1,200.00 feet to a point for the
5-25 Northwest corner of said Section One, Block 4, being in the common
5-26 line between the Southwesterly line of said 2,075.08 acre tract of
5-27 land and the Northeasterly right-of-way line of said County Road
5-28 511;
5-29 THENCE North 27° 03' 00" West with said common line, 80.00
5-30 feet to a point for the Southwest corner of Savannah Plantation,
5-31 Section One, Block 3 (Unrecorded);
5-32 THENCE North 62° 57' 00" East with the Southeasterly line of
5-33 said Section One, Block 3, 1,200.00 feet to a point for the
5-34 Southeast corner of said Section One, Block 3;
5-35 THENCE with the Northeasterly and Northwesterly lines of said
5-36 Savannah Plantation, Section One, Block 3 as follows:
5-37 - North 27° 03' 00" West, 280.00 feet to a point for corner;
5-38 - South 62° 57' 00" West, 474.00 feet to a point for corner;
5-39 - North 27° 03' 00" West, 1,515.00 feet to a point for
5-40 corner;
5-41 - South 62° 57' 00" West, 126.00 feet to a point for corner;
5-42 - North 27° 03' 00" West, 619.43 feet to a point for the
5-43 Northeast corner of said Section One, Block 3;
5-44 THENCE North 84° 05' 00" West with the North line of said
5-45 Savannah Plantation, Section One, Block 3, 715.15 feet to a point
5-46 for the Northwest corner of said Section One, Block 3, being in the
5-47 common line between the Southwesterly line of said 2,075.08 acre
5-48 tract of land and the Northeasterly right-of-way line of said
5-49 County Road 511;
5-50 THENCE North 27° 03' 00" West with said common line, 95.35
5-51 feet to the POINT OF BEGINNING; containing 295.76 acres of land,
5-52 more or less.
5-53 SECTION 3. (a) The legal notice of the intention to
5-54 introduce this Act, setting forth the general substance of this
5-55 Act, has been published as provided by law, and the notice and a
5-56 copy of this Act have been furnished to all persons, agencies,
5-57 officials, or entities to which they are required to be furnished
5-58 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-59 Government Code.
5-60 (b) The governor, one of the required recipients, has
5-61 submitted the notice and Act to the Texas Commission on
5-62 Environmental Quality.
5-63 (c) The Texas Commission on Environmental Quality has filed
5-64 its recommendations relating to this Act with the governor, the
5-65 lieutenant governor, and the speaker of the house of
5-66 representatives within the required time.
5-67 (d) All requirements of the constitution and laws of this
5-68 state and the rules and procedures of the legislature with respect
5-69 to the notice, introduction, and passage of this Act are fulfilled

6-1 and accomplished.

6-2 SECTION 4. (a) If this Act does not receive a two-thirds
6-3 vote of all the members elected to each house, Subchapter C, Chapter
6-4 8427, Special District Local Laws Code, as added by Section 1 of
6-5 this Act, is amended by adding Section 8427.106 to read as follows:

6-6 Sec. 8427.106. NO EMINENT DOMAIN POWER. The district may
6-7 not exercise the power of eminent domain.

6-8 (b) This section is not intended to be an expression of a
6-9 legislative interpretation of the requirements of Subsection (c),
6-10 Section 17, Article I, Texas Constitution.

6-11 SECTION 5. This Act takes effect immediately if it receives
6-12 a vote of two-thirds of all the members elected to each house, as
6-13 provided by Section 39, Article III, Texas Constitution. If this
6-14 Act does not receive the vote necessary for immediate effect, this
6-15 Act takes effect September 1, 2013.

6-16

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