

1-1 By: Huffman S.B. No. 1858
 1-2 (In the Senate - Filed March 27, 2013; April 2, 2013, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 22, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; April 22, 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. 184; 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 8446 to read as follows:

1-21 CHAPTER 8446. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 184

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8446.001. 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. 184.

1-30 Sec. 8446.002. 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. 8446.003. 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. 8446.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-38 temporary directors may not hold an election under Section 8446.003
 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. 8446.005. 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. 8446.006. 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. 8446.051. 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 8446.052, directors serve
2-8 staggered four-year terms.

2-9 Sec. 8446.052. 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 8446.003; 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 8446.003 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 8446.003; 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. 8446.101. 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. 8446.102. 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. 8446.103. 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. 8446.104. 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. 8446.105. 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. 8446.151. 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 8446.153.

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. 8446.152. OPERATION AND MAINTENANCE TAX. (a) If

3-17 authorized at an election held under Section 8446.151, 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. 8446.153. 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. 8446.201. 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. 8446.202. 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. 8446.203. 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. 184 initially includes all the territory contained in the

3-51 following area:

3-52 506.74 acres of land situated in the Wiley Martin Survey,

3-53 Abstract 56, and the E.P. Everett Survey, Abstract 387, Fort Bend

3-54 County, Texas, being that certain called 376.1612 acre tract of

3-55 land as described in deed and recorded in Volume 1934, Page 712 of

3-56 the Deed Records of Fort Bend County, Texas and being that certain

3-57 called 130.5756 acre tract of land as described in deed and recorded

3-58 in the Official Public Records of Real Property of Fort Bend County,

3-59 Texas under County Clerk's File Number 1999107785, said 506.74

3-60 acres of land being more particularly described by metes and bounds

3-61 as follows, bearing orientation is based on the Texas Coordinate

3-62 System of 1983, South Central Zone:

3-63 BEGINNING at a 1/2 inch iron rod found at the intersection of

3-64 the centerline of Myers Road (based on a width of 60.00 feet) with

3-65 the northwesterly right-of-way line of Berdette Road (based on a

3-66 width of 60.00 feet);

3-67 Thence, S 21°34'18" W, with the northwesterly right-of-way

3-68 line of Berdette Road, a distance of 3266.25 feet to a 3/4 inch iron

3-69 rod with cap set in the northeasterly line of that certain called

4-1 607.75 acre tract of land as described in deed and recorded in
4-2 Volume 64, Page 109 of the Deed Records of Fort Bend County, Texas,
4-3 being in the northeasterly line of the Henry Wilcox Survey,
4-4 Abstract 342;

4-5 Thence, N 67°27'46" W, with the northeasterly line of said
4-6 called 607.75 acre tract and the common line of the Wiley Martin and
4-7 Henry Wilcox Surveys, a distance of 5698.02 feet to an angle point,
4-8 from which a found T Rail bears N 08°28' W, a distance of 0.35 feet;

4-9 Thence, N 67°36'40" W, a distance of 547.46 feet to a 3/4 inch
4-10 iron rod with cap set for corner;

4-11 Thence, S 42°08'14" W, a distance of 2046.63 feet to a 3/4 inch
4-12 iron rod with cap set in the northeasterly line of Rice Field Road;

4-13 Thence, N 47°59'25" W, with the northeasterly line of Rice
4-14 Field Road, a distance of 344.35 feet to a T Rail found for corner;

4-15 Thence, N 42°05'03" E, a distance of 1924.14 feet to an angle
4-16 point, from which a found 2 inch iron pipe (bent) bears N 79°02' W, a
4-17 distance of 2.69 feet;

4-18 Thence, N 22°20'28" E, at a distance of 3195.31 feet pass a 1/2
4-19 inch iron pipe found in the southwesterly right-of-way line of
4-20 Myers Road, continuing a total distance of 3225.31 feet to a point
4-21 for corner;

4-22 Thence, S 67°49'42" E, with the centerline of Myers Road, a
4-23 distance of 6569.03 feet to the POINT OF BEGINNING and containing
4-24 506.74 acres of land.

4-25 SECTION 3. (a) The legal notice of the intention to
4-26 introduce this Act, setting forth the general substance of this
4-27 Act, has been published as provided by law, and the notice and a
4-28 copy of this Act have been furnished to all persons, agencies,
4-29 officials, or entities to which they are required to be furnished
4-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-31 Government Code.

4-32 (b) The governor, one of the required recipients, has
4-33 submitted the notice and Act to the Texas Commission on
4-34 Environmental Quality.

4-35 (c) The Texas Commission on Environmental Quality has filed
4-36 its recommendations relating to this Act with the governor, the
4-37 lieutenant governor, and the speaker of the house of
4-38 representatives within the required time.

4-39 (d) All requirements of the constitution and laws of this
4-40 state and the rules and procedures of the legislature with respect
4-41 to the notice, introduction, and passage of this Act are fulfilled
4-42 and accomplished.

4-43 SECTION 4. (a) If this Act does not receive a two-thirds
4-44 vote of all the members elected to each house, Subchapter C, Chapter
4-45 8446, Special District Local Laws Code, as added by Section 1 of
4-46 this Act, is amended by adding Section 8446.106 to read as follows:

4-47 Sec. 8446.106. NO EMINENT DOMAIN POWER. The district may
4-48 not exercise the power of eminent domain.

4-49 (b) This section is not intended to be an expression of a
4-50 legislative interpretation of the requirements of Subsection (c),
4-51 Section 17, Article I, Texas Constitution.

4-52 SECTION 5. This Act takes effect immediately if it receives
4-53 a vote of two-thirds of all the members elected to each house, as
4-54 provided by Section 39, Article III, Texas Constitution. If this
4-55 Act does not receive the vote necessary for immediate effect, this
4-56 Act takes effect September 1, 2013.

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