

By: Birdwell

S.B. No. 1893

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Chisholm Trails Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8483 to read as follows:

CHAPTER 8483. CHISHOLM TRAILS MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8483.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Chisholm Trails Municipal Utility District No. 1.

Sec. 8483.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8483.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 8483.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The
2 temporary directors may not hold an election under Section 8483.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has:

5 (1) consented by ordinance or resolution to the
6 creation of the district and to the inclusion of land in the
7 district; and

8 (2) entered into a development agreement with the
9 owner or owners of a majority of the assessed value of the real
10 property within the district.

11 (b) If a development agreement described by Subsection (a)
12 has not been executed before September 1, 2016:

13 (1) the temporary directors may not call a
14 confirmation election under Section 8483.003;

15 (2) the district is dissolved; and

16 (3) this chapter expires September 1, 2017.

17 Sec. 8483.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

18 (a) The district is created to serve a public purpose and benefit.

19 (b) The district is created to accomplish the purposes of:

20 (1) a municipal utility district as provided by
21 general law and Section 59, Article XVI, Texas Constitution; and

22 (2) Section 52, Article III, Texas Constitution, that
23 relate to the construction, acquisition, improvement, operation,
24 or maintenance of macadamized, graveled, or paved roads, or
25 improvements, including storm drainage, in aid of those roads.

26 Sec. 8483.006. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

1 Section 2 of the Act enacting this chapter.

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

6 (1) organization, existence, or validity;

7 (2) right to issue any type of bond for the purposes
8 for which the district is created or to pay the principal of and
9 interest on a bond;

10 (3) right to impose a tax; or

11 (4) legality or operation.

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8483.051. GOVERNING BODY; TERMS. (a) The district is
14 governed by a board of five elected directors.

15 (b) Except as provided by Section 8483.052, directors serve
16 staggered four-year terms.

17 Sec. 8483.052. TEMPORARY DIRECTORS. (a) The temporary
18 board consists of:

19 (1) Justin Holt;

20 (2) Jacob Percifull;

21 (3) Matthew Scott;

22 (4) Stephen Ganske; and

23 (5) Jerold Mitchell.

24 (b) Temporary directors serve until the earlier of:

25 (1) the date permanent directors are elected under
26 Section 8483.003; or

27 (2) the fourth anniversary of the effective date of

1 the Act enacting this chapter.

2 (c) If permanent directors have not been elected under
3 Section 8483.003 and the terms of the temporary directors have
4 expired, successor temporary directors shall be appointed or
5 reappointed as provided by Subsection (d) to serve terms that
6 expire on the earlier of:

7 (1) the date permanent directors are elected under
8 Section 8483.003; or

9 (2) the fourth anniversary of the date of the
10 appointment or reappointment.

11 (d) If Subsection (c) applies, the owner or owners of a
12 majority of the assessed value of the real property in the district
13 may submit a petition to the commission requesting that the
14 commission appoint as successor temporary directors the five
15 persons named in the petition. The commission shall appoint as
16 successor temporary directors the five persons named in the
17 petition.

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8483.101. GENERAL POWERS AND DUTIES. The district has
20 the powers and duties necessary to accomplish the purposes for
21 which the district is created.

22 Sec. 8483.102. MUNICIPAL UTILITY DISTRICT POWERS AND
23 DUTIES. The district has the powers and duties provided by the
24 general law of this state, including Chapters 49 and 54, Water Code,
25 applicable to municipal utility districts created under Section 59,
26 Article XVI, Texas Constitution.

27 Sec. 8483.103. AUTHORITY FOR ROAD PROJECTS. Under Section

1 52, Article III, Texas Constitution, the district may design,
2 acquire, construct, finance, issue bonds for, improve, operate,
3 maintain, and convey to this state, a county, or a municipality for
4 operation and maintenance macadamized, graveled, or paved roads, or
5 improvements, including storm drainage, in aid of those roads.

6 Sec. 8483.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
7 road project must meet all applicable construction standards,
8 zoning and subdivision requirements, and regulations of each
9 municipality in whose corporate limits or extraterritorial
10 jurisdiction the road project is located.

11 (b) If a road project is not located in the corporate limits
12 or extraterritorial jurisdiction of a municipality, the road
13 project must meet all applicable construction standards,
14 subdivision requirements, and regulations of each county in which
15 the road project is located.

16 (c) If the state will maintain and operate the road, the
17 Texas Transportation Commission must approve the plans and
18 specifications of the road project.

19 Sec. 8483.105. COMPLIANCE WITH MUNICIPAL REGULATIONS. Any
20 water, sanitary sewer, road, drainage, or other infrastructure or
21 public facilities constructed, acquired, improved, maintained, or
22 operated by the district shall comply with any subdivision or other
23 applicable regulations of any municipality in whose corporate
24 limits or extraterritorial jurisdiction the infrastructure or
25 public facilities are located unless other regulations are
26 specified in a development agreement between the district and the
27 municipality.

1 Sec. 8483.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2 OR RESOLUTION. The district shall comply with all applicable
3 requirements of any ordinance or resolution that is adopted under
4 Section 54.016 or 54.0165, Water Code, and that consents to the
5 creation of the district or to the inclusion of land in the
6 district.

7 Sec. 8483.107. DIVISION OF DISTRICT. (a) The original
8 district or any lands added to the district may be divided into two
9 or more new districts in the manner specified by Section 53.029(b),
10 Water Code, only if the district:

11 (1) has no outstanding bonded debt; and

12 (2) is not imposing ad valorem taxes.

13 (b) The division procedure is prescribed by Sections 53.030
14 through 53.041, Water Code.

15 (c) Any new district created by the division of the district
16 has all the powers and duties of the district and is subject to the
17 limitations and conditions of this chapter.

18 (d) At the time of creation, any new district created by the
19 division of the district may not contain any land that is not
20 contiguous to the area described by Section 2 of the Act enacting
21 this chapter.

22 (e) A division of the district may not occur until each
23 home-rule municipality in whose corporate limits or
24 extraterritorial jurisdiction the district or any proposed
25 district is located has adopted a resolution consenting to the
26 division.

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8483.151. ELECTIONS REGARDING TAXES OR BONDS.

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

5 (1) revenue other than ad valorem taxes; or

6 (2) contract payments described by Section 8483.153.

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

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

15 Sec. 8483.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8483.151, the district
17 may impose an operation and maintenance tax on taxable property in
18 the district in accordance with Section 49.107, Water Code.

19 (b) The board shall determine the tax rate. The rate may not
20 exceed the rate approved at the election.

21 Sec. 8483.153. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may impose a tax other than
23 an operation and maintenance tax and use the revenue derived from
24 the tax to make payments under a contract after the provisions of
25 the contract have been approved by a majority of the district voters
26 voting at an election held for that purpose.

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4 Sec. 8483.201. AUTHORITY TO ISSUE BONDS AND OTHER
5 OBLIGATIONS. The district may issue bonds or other obligations
6 payable wholly or partly from ad valorem taxes, impact fees,
7 revenue, contract payments, grants, or other district money, or any
8 combination of those sources, to pay for any authorized district
9 purpose.

10 Sec. 8483.202. TAXES FOR BONDS. At the time the district
11 issues bonds payable wholly or partly from ad valorem taxes, the
12 board shall provide for the annual imposition of a continuing
13 direct ad valorem tax, without limit as to rate or amount, while all
14 or part of the bonds are outstanding as required and in the manner
15 provided by Sections 54.601 and 54.602, Water Code.

16 Sec. 8483.203. BONDS FOR ROAD PROJECTS. At the time of
17 issuance, the total principal amount of bonds or other obligations
18 issued or incurred to finance road projects and payable from ad
19 valorem taxes may not exceed one-fourth of the assessed value of the
20 real property in the district.

21 SECTION 2. The Chisholm Trails Municipal Utility District
22 No. 1 initially includes all the territory contained in the
23 following area:

24 METES AND BOUNDS DESCRIPTION

25 HMP Ranch, Ltd - Burleson ETJ - Tract 1

26 BEING a 81.457 acre tract of land situated in the H. G. Catlett
27 Survey, Abstract Number 177, Johnson County, Texas and being a

1 portion of the tract of land described in the deed to HMP Ranch Ltd,
2 recorded in Volume 3803, Page 887, Deed Records, Johnson County,
3 Texas and in County Clerk's Document Number D206143824, Deed
4 Records, Tarrant County, Texas, said 81.457 acre tract of land
5 being more particularly described as follows:

6 BEGINNING at the intersection of the monumented southwesterly line
7 of County Road 921 with the westerly right-of-way line of the
8 Burlington Northern Santa Fe Railroad Company (a 100 foot wide
9 right-of-way);

10 THENCE with the westerly right-of-way line of said Burlington
11 Northern Santa Fe Railroad Company, South 09° 40' 29" West a
12 distance of 3350.59 feet;

13 THENCE departing the westerly right-of-way line of said Burlington
14 Northern Santa Fe Railroad Company, North 44° 49' 44" West a
15 distance of 3339.05 feet to a northwesterly line of said HMP Ranch
16 Ltd tract and the southeasterly line of a tract of land described in
17 the deed to Leonel Ochoa and wife, Argelia Ochoa recorded in Volume
18 1862, Page 233 Deed Records, Johnson County, Texas;

19 THENCE with the northwesterly line of said HMP Ranch Ltd tract and
20 the southeasterly lines of said Ochoa tract, the tract of land
21 described in the deed to Lazaro Duron and wife. Arcelia Duron
22 recorded in Volume 241, Page 579, Deed Records, Johnson County,
23 Texas, the tract of land described in the deed to Oscar S. Lazarsky
24 and Catalina Sanches recorded in Volume 1891, Page 734, Deed
25 Records, Johnson County, Texas, North 45° 17' 02" East a distance of
26 641.52 feet to the corner of the tract of land described in the deed to
27 Ross Senter recorded in Volume 329, Page 28, Deed Records, Johnson

1 County, Texas;
2 THENCE departing said northwesterly line and said southeasterly
3 lines with the southerly lines of said remainder tract, and the
4 tract of land described in the deed to Randall L. Senter et ux Vicki
5 L. Senter recorded in Volume 1360, Page 437, Deed Records, Johnson
6 County, Texas South 45° 30' 56" East a distance of 1,556.15 feet to
7 the most southerly corner of said remaining Ross Senter tract;
8 THENCE continuing with the southeasterly line of said remaining
9 Ross Senter tract the following courses and distances:
10 North 44°27'19" East, a distance of 613.71 feet;
11 North 09°46'11" East, a distance of 540.00 feet;
12 North 54°00'01" East, a distance of 883.07 feet;
13 North 09°40'40" East, a distance of 173.11 feet to the
14 monumented southwesterly line of County Road 921;
15 THENCE departing said northerly and said southeasterly lines with
16 the southwesterly line of said County Road 921, South 45°00'00"
17 East, a distance of 121.67 feet to the POINT OF BEGINNING;
18 Containing a computed area of 3,548,270 square feet or 81.457 acres
19 of land.
20 NOTE: The basis of bearings recited herein is the Texas Coordinate
21 System of 1983, North Central Zone.
22 NOTE: The Surveyor has not abstracted the record title and/or
23 easements of the subject property. The Surveyor prepared this
24 survey without the benefit of a title commitment and assumes no
25 liability for any easements right-of-way dedications or other title
26 matters affecting the subject property.
27 METES AND BOUNDS DESCRIPTION

1 HMP Ranch, Ltd - Burleson ETJ - Tract 2
2 BEING a 99.976 acre tract of land situated In the H. G. Catlett
3 Survey, Abstract Number 177, Johnson County, Texas and being a
4 portion of the tract of land described in the deed to HMP Ranch Ltd,
5 recorded in Volume 3803, Page 887, Deed Records, Johnson County,
6 Texas and in County Clerk's Document Number D206143824, Deed
7 Records, Tarrant County, Texas, said 99.976 acre tract of land
8 being more particularly described as follows:
9 BEGINNING at the intersection of the approximate centerlines of
10 County Road 921 and County Road 1016;
11 THENCE with an easterly line of said HMP Ranch Ltd tract with the
12 approximate centerline of said County Road 1016, South 45° 26' 19"
13 West a distance of 945.97;
14 THENCE continuing with the easterly line of said HMP Ranch Ltd tract
15 and the approximate centerline of said County Road 1016, South 45°
16 10' 42" West a distance of 1806.20 feet to the beginning of a
17 non-tangent curve to the left having a radius of 2,250.00 feet, a
18 central angle of 40° 36' 01", and a chord bearing and distance of
19 North 58° 45' 23" West 1561.22 feet;
20 THENCE departing the easterly line of said HMP Ranch Ltd tract and
21 the approximate centerline of said County Road 1016 with said
22 non-tangent curve to the left an arc distance of 1594.37 feet to the
23 end of curve in the common line of the H.G. Catlett Survey, Abstract
24 Number 177 and the H.G. Catlett Survey, Abstract Number 380;
25 THENCE with said common line. North 44° 38' 14" East at a distance of
26 458.80 feet passing the common south corner of Said H.G. Catlett
27 Survey, Abstract Number 380 and the U. Mendoza Survey, Abstract

1 Number 545, departing the common line of said Catlett Surveys and
2 continuing with the common line of said H. G. Catlett Survey,
3 Abstract Number 177 and said U. Mendoza Survey in all a distance of
4 3121.47 feet to the north corner of said H.G. Catlett Survey,
5 Abstract Number 177;

6 THENCE continuing with the common line of said H.G. Catlett Survey,
7 Abstract Number 177 and said U. Mendoza Survey, South 45° 04' 23"
8 East, a distance of 1551.14 feet to the POINT OF BEGINNING;

9 Containing a computed area of 4,354,945 square feet or 99.976 acres
10 of land.

11 NOTE: The basis of bearings recited herein is the Texas Coordinate
12 System of 1983, North Central Zone.

13 NOTE: The Surveyor has not abstracted the record title and/or
14 easements of the subject property. The Surveyor prepared this
15 survey without the benefit of a title commitment and assumes no
16 liability for any easements right-of-way dedications or other title
17 matters affecting the subject property.

18 METES AND BOUNDS DESCRIPTION

19 HMP Ranch, Ltd - Burleson ETJ - Tract 3

20 BEING an 11.905 acre tract of land situated in the U. Mendoza
21 Survey, Abstract Number 545, Johnson County, Texas and being a
22 portion of the tract of land described in the deed to HMP Ranch Ltd,
23 recorded in Volume 3803, Page 887, Deed Records, Johnson County,
24 Texas and in County Clerk's Document Number D206143824, Deed
25 Records, Tarrant County, Texas, said 11.905 acre tract of land
26 being more particularly described as follows:

27 BEGINNING at the most easterly corner of said HMP Ranch Ltd tract,

1 in the approximate centerline of County Road 1011, called in the
2 deed to Texas Land and Investment Company, Inc. recorded in Volume
3 594, Page 457 to be the most easterly corner of the U. Mendoza
4 Survey and the northwest line of the H.G. Catlett Survey Number;
5 THENCE with an easterly line of said HMP Ranch Ltd tract with the
6 approximate centerline of said County Road 1011, South 44° 43' 45"
7 West a distance of 2555.50 feet to the approximate centerline of
8 County Road 921;
9 THENCE continuing with the easterly line of said HMP Ranch Ltd
10 tract, departing the approximate centerline of said County Road
11 1011 with the approximate centerline of said County Road 921, North
12 44° 51' 50" West a distance of 320.46 feet;
13 THENCE departing the approximate centerline of said County Road
14 921, North 49° 54' 39" East a distance of 2464.99 feet to the
15 northerly line of said HMP Ranch Ltd tract and the south line of the
16 tract of land described in the deed to Bill H. Bridges and Tommy D.
17 Bridges recorded in Volume 2513, Page 124, Deed Records, Johnson
18 County, Texas;
19 THENCE with the common line of said HMP Ranch Ltd tract and said
20 Bridges tract. North 89° 35' 15" East a distance of 138.69 feet to
21 the POINT OF BEGINNING;
22 Containing a computed area of 518,590 square feet or 11.905 acres of
23 land.
24 NOTE: The basis of bearings recited herein is the Texas Coordinate
25 System of 1983, North Central Zone.
26 NOTE: The Surveyor has not abstracted the record title and/or
27 easements of the subject property. The Surveyor prepared this

1 survey without the benefit of a title commitment and assumes no
2 liability for any easements right-of-way dedications or other title
3 matters affecting the subject property.

4 SECTION 3. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 4. (a) If this Act does not receive a two-thirds
23 vote of all the members elected to each house, Subchapter C, Chapter
24 8483, Special District Local Laws Code, as added by Section 1 of
25 this Act, is amended by adding Section 8483.108 to read as follows:

26 Sec. 8483.108. NO EMINENT DOMAIN POWER. The district may
27 not exercise the power of eminent domain.

1 (b) This section is not intended to be an expression of a
2 legislative interpretation of the requirements of Subsection (c),
3 Section 17, Article I, Texas Constitution.

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