

1 AN ACT

2 relating to the creation of the Fulshear Municipal Utility District
3 No. 3 and the Fort Bend County Municipal Utility District No. 184;
4 providing authority to impose taxes and issue bonds; granting a
5 limited power of eminent domain.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 8487 to read as follows:

9 CHAPTER 8487. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 3

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8487.001. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Fulshear Municipal Utility
17 District No. 3.

18 Sec. 8487.002. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 8487.003. CONFIRMATION AND DIRECTORS' ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 8487.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8487.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8487.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16 Sec. 8487.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8487.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8487.052, directors serve
6 staggered four-year terms.

7 Sec. 8487.052. TEMPORARY DIRECTORS. (a) On or after
8 September 1, 2013, the owner or owners of a majority of the assessed
9 value of the real property in the district may submit a petition to
10 the commission requesting that the commission appoint as temporary
11 directors the five persons named in the petition. The commission
12 shall appoint as temporary directors the five persons named in the
13 petition.

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

15 (1) the date permanent directors are elected under
16 Section 8487.003; or

17 (2) September 1, 2017.

18 (c) If permanent directors have not been elected under
19 Section 8487.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8487.003; or

25 (2) the fourth anniversary of the date of the
26 appointment or reappointment.

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8487.101. GENERAL POWERS AND DUTIES. The district has
9 the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 8487.102. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8487.103. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8487.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
23 road project must meet all applicable construction standards,
24 zoning and subdivision requirements, and regulations of each
25 municipality in whose corporate limits or extraterritorial
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road
2 project must meet all applicable construction standards,
3 subdivision requirements, and regulations of each county in which
4 the road project is located.

5 (c) If the state will maintain and operate the road, the
6 Texas Transportation Commission must approve the plans and
7 specifications of the road project.

8 Sec. 8487.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
9 OR RESOLUTION. The district shall comply with all applicable
10 requirements of any ordinance or resolution that is adopted under
11 Section 54.016 or 54.0165, Water Code, and that consents to the
12 creation of the district or to the inclusion of land in the
13 district.

14 Sec. 8487.106. DIVISION OF DISTRICT. (a) The district may
15 be divided into two or more new districts only if:

16 (1) the district has no outstanding bonded debt; and

17 (2) the district is not imposing ad valorem taxes.

18 (b) This chapter applies to any new district created by the
19 division of the district, and a new district has all the powers and
20 duties of the district.

21 (c) Any new district created by the division of the district
22 may not, at the time the new district is created, contain any land
23 outside the area described by Section 2 of the Act creating this
24 chapter.

25 (d) The board, on its own motion or on receipt of a petition
26 signed by the owner or owners of a majority of the assessed value of
27 the real property in the district, may adopt an order dividing the

1 district.

2 (e) The board may adopt an order dividing the district
3 before or after the date the board holds an election under Section
4 8487.151 to authorize the district's bonds.

5 (f) An order dividing the district shall:

6 (1) name each new district;

7 (2) include the metes and bounds description of the
8 territory of each new district;

9 (3) appoint temporary directors for each new district;

10 and

11 (4) provide for the division of assets and liabilities
12 between or among the new districts.

13 (g) On or before the 30th day after the date of adoption of
14 an order dividing the district, the district shall file the order
15 with the commission and record the order in the real property
16 records of each county in which the district is located.

17 (h) Any new district created by the division of the district
18 shall hold a confirmation and directors' election as required by
19 Section 8487.003.

20 (i) Any new district created by the division of the district
21 must hold an election as required by this chapter to obtain voter
22 approval before the district may impose a maintenance tax or issue
23 bonds payable wholly or partly from ad valorem taxes.

24 (j) If the creation of the new district is confirmed, the
25 new district shall provide the election date and results to the
26 commission.

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8487.151. 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 8487.153.

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. 8487.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8487.151, 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. 8487.153. 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. 8487.201. 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. 8487.202. 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. 8487.203. 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 Fulshear Municipal Utility District No. 3
22 initially includes all the territory contained in the following
23 area:

24 FIELD NOTES FOR A 1,354.459 ACRE TRACT OF LAND IN THE H. & T. C.
25 RAILROAD COMPANY SURVEY SECTION 75, ABSTRACT 155, AND THE H. & T. C.
26 RAILROAD COMPANY SURVEY SECTION 105, ABSTRACT 416, WALLER COUNTY
27 TEXAS, AND THE H. & T. C. RAILROAD COMPANY SURVEY SECTION 75,

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1 ABSTRACT 732, THE H. & T. C. RAILROAD COMPANY SURVEY SECTION 105,
2 ABSTRACT 261, THE J. G. BENNETT SURVEY, ABSTRACT 611, AND THE J. D.
3 VERMILLION SURVEY, ABSTRACT 339, FORT BEND COUNTY, TEXAS, SAID
4 1,354.459 ACRE TRACT BEING OUT OF THE ESTATE OF BESSIE MAE JORDAN AS
5 RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2000015121, OFFICIAL
6 PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, AND IN VOLUME 0648, PAGE
7 384, OFFICIAL RECORDS, WALLER COUNTY, TEXAS, SAID 1,354.459 ACRE
8 TRACT ALSO BEING COMPRISED OF THAT CERTAIN CALLED 200 ACRE TRACT
9 DESCRIBED IN DEED RECORDED IN VOLUME 252, PAGE 465, DEED RECORDS,
10 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 110 ACRE TRACT
11 DESCRIBED IN DEED RECORDED IN VOLUME 252, PAGE 465, DEED RECORDS,
12 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 137-1/2 ACRE TRACT
13 DESCRIBED IN DEED RECORDED IN VOLUME 208, PAGE 635, DEED RECORDS,
14 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 160 ACRE TRACT
15 DESCRIBED IN DEED RECORDED IN VOLUME 208, PAGE 633, DEED RECORDS,
16 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 200 ACRE TRACT
17 DESCRIBED IN DEED RECORDED IN VOLUME 251, PAGE 551, DEED RECORDS,
18 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 75.856 ACRE TRACT
19 DESCRIBED IN DEED RECORDED IN VOLUME 416, PAGE 572, DEED RECORDS,
20 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 10 ACRE TRACT
21 DESCRIBED IN DEED RECORDED IN VOLUME 281, PAGE 207, DEED RECORDS,
22 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 2.0 ACRE TRACT
23 DESCRIBED IN DEED RECORDED IN VOLUME 523, PAGE 545, DEED RECORDS,
24 FORT BEND COUNTY, TEXAS, THE RESIDUE OF THAT CERTAIN CALLED 40 ACRE
25 TRACT DESCRIBED IN DEED RECORDED IN VOLUME 70, PAGE 68, DEED
26 RECORDS, FORT BEND COUNTY, TEXAS, AND THE RESIDUE OF THE H. & T. C.
27 RAILROAD COMPANY SURVEY SECTION 75, ABSTRACT 155, WALLER COUNTY

1 TEXAS, AND ABSTRACT 732, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS
2 BEING GRID AND COORDINATES BEING TEXAS STATE PLANE, SOUTH CENTRAL
3 ZONE, NAD83, BASED UPON GPS OBSERVATIONS OF N.G.S. TRIANGULATION
4 STATION "BROOKSHIRE", SCALE FACTOR USED = 0.99988896.
5 COMMENCING at a 1/2 inch iron pipe with cap marked "Kalkomey
6 Surveying" found on the common line of the H. & T. C. Railroad
7 Company Survey Section 75, Abstract 155, Waller County, Texas, and
8 Abstract 732, Fort Bend County, Texas, and the adjoining H. & T. C.
9 Railroad Company Survey Section 76, Abstract 322, Waller County,
10 Texas, and Abstract 764, Fort Bend County, Texas, at its
11 intersection with the east right-of-way line of Woods Road (80-foot
12 wide), said point being the southwest corner of an adjoining called
13 280.3406 acre tract described in deed recorded in Volume 0817, Page
14 027, Official Records, Waller County, Texas, and being in the north
15 line of Jordan Road (70-foot wide private road), said point having
16 coordinates of X = 2,945,451.66, Y = 13,835,816.55;
17 THENCE North 88 degrees 02 minutes 42 seconds East (adjoiner called
18 North 88 degrees 02 minutes 42 seconds East) along the common line
19 of the H. & T. C. Railroad Company Survey Section 75, and said
20 adjoining H. & T. C. Railroad Company Survey Section 76, at 270.00
21 feet pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying"
22 set on said line for the northwest corner of an adjoining 15.396
23 acre tract surveyed by the undersigned this date, and continuing
24 for a total distance of 1,000.45 feet to a 1/2 inch iron pipe with
25 cap marked "Kalkomey Surveying" set on said line for a northwest
26 corner and Place of Beginning of the herein described 1,354.459
27 acre tract, same being the northeast corner of said adjoining

1 15.396 acre tract;
2 THENCE North 88 degrees 02 minutes 42 seconds East (adjoiner called
3 North 88 degrees 02 minutes 42 seconds East) continuing along said
4 common line, being the north line of the residue of said called 40
5 acre tract and the north line of said residue of the H. & T. C.
6 Railroad Company Survey Section 75, same being the south line of
7 said adjoining called 280.3406 acre tract, 5,016.89 feet to a 3/4
8 inch iron pipe found for reentry corner to the herein described
9 tract, said point being the northeast corner of said residue of the
10 H. & T. C. Railroad Company Survey Section 75, same being the
11 southeast corner of the H. & T. C. Railroad Company Survey Section
12 76, and the southeast corner of said adjoining called 280.3406 acre
13 tract, and being in the west line of the H. & T. C. Railroad Company
14 Survey Section 105, Abstract 416, Waller County, Texas, and
15 Abstract 261, Fort Bend County, Texas, same being the west line of
16 said called 200 acre tract recorded in Volume 252, Page 465, Deed
17 Records, Fort Bend County, Texas;
18 THENCE North 01 degree 54 minutes 20 seconds West (adjoiner called
19 North 01 degree 54 minutes 20 seconds West) along the common line of
20 the H. & T. C. Railroad Company Survey Section 105, and the H. & T.
21 C. Railroad Company Survey Section 76, same being the common line of
22 the herein described tract and said adjoining called 280.3406 acre
23 tract, 1,520.90 feet to a 1/2 inch iron pipe with cap marked
24 "Kalkomey Surveying" set for the upper northwest corner of the
25 herein described tract, the northwest corner of said called 200
26 acre tract, and the northwest corner of the H. & T. C. Railroad
27 Company Survey Section 105, same being the southwest corner of the

1 adjoining J. G. Bennett Survey, Abstract 292, Waller County, Texas,
2 and Abstract 568, Fort Bend County, Texas, and the southwest corner
3 of an adjoining called 261.701 acre tract described in deed
4 recorded in Volume 0808, Page 067, Official Records, Waller County,
5 Texas;
6 THENCE North 87 degrees 37 minutes 00 seconds East (called East,
7 adjoiner called North 87 degrees 37 minutes 00 seconds East) along
8 the common line of the H. & T. C. Railroad Company Survey Section
9 105, and the J. G. Bennett Survey, same being the common line of the
10 herein described tract and said adjoining called 261.701 acre
11 tract, 2,705.78 feet (called 950 varas, 2,638.89 feet, adjoiner
12 called 2,705.78 feet) to a 1/2 inch iron pipe with cap marked
13 "Kalkomey Surveying" found on said line for angle point, said point
14 being the northeast corner of the H. & T. C. Railroad Company Survey
15 Section 105, same being the northwest corner of the J. G. Bennett
16 Survey, Abstract 611, Fort Bend County, Texas, said point also
17 being the northeast corner of said called 200 acre tract recorded in
18 Volume 252, Page 465, Deed Records, Fort Bend County, Texas, same
19 being the northwest corner of said called 160 acre tract recorded in
20 Volume 200 date, Page 635, Deed Records, Fort Bend County, Texas;
21 THENCE North 87 degrees 31 minutes 40 seconds East (called North 89
22 degrees 40 minutes East, adjoiner called North 87 degrees 31
23 minutes 44 seconds East) along the common line of the J. G. Bennett
24 Survey, Abstract 611, and the J. G. Bennett Survey, Abstract 568,
25 same being the common line of the herein described tract and said
26 adjoining called 261.701 acre tract, 2,597.32 feet (called 2,640
27 feet, adjoiner called 2,597.32 feet) to a 12-inch square concrete

1 post found on said line for angle point, being the northeast corner
2 of said called 160 acre tract (Volume 208, Page 635, Deed Records,
3 Fort Bend County, Texas), the southeast corner of said adjoining
4 called 261.701 acre tract, the southwest corner of an adjoining
5 called 316 acre tract described in deed recorded in Volume 0553,
6 Page 088, Official Records, Waller County, Texas, and the northwest
7 corner of said called 75.856 acre tract recorded in Volume 416, Page
8 572, Deed Records, Fort Bend County, Texas, said point also being
9 the northeast corner of the J. G. Bennett Survey, Abstract 611, the
10 southeast corner of the J. G. Bennett Survey, Abstract 568, the
11 southwest corner of the Jesse Thompson Survey, Abstract 292 and the
12 northwest corner of the J. D. Vermillion Survey, Abstract 339;
13 THENCE North 87 degrees 49 minutes 24 seconds East (adjoiner called
14 East) along the common line of the J. D. Vermillion Survey, Abstract
15 339, and the Jesse Thompson Survey, Abstract 292, same being the
16 common line of the herein described tract and said adjoining called
17 316 acre tract, 1,888.76 feet (called 1,910.87 feet) to a 5/8 inch
18 iron rod with cap marked "Cotton Surveying" inside a 1-inch iron
19 pipe found for the upper northeast corner of the herein described
20 tract and the northeast corner of said called 75.856 acre tract,
21 same being the northwest corner of an adjoining called 430.083 acre
22 tract described in deed recorded in Volume 2185, Page 899, Official
23 Records, Fort Bend County, Texas;
24 THENCE South 02 degrees 10 minutes 37 seconds East (called South,
25 adjoiner called South 00 degrees 08 minutes 16 seconds East) along
26 the common line of the herein described tract and said adjoining
27 called 430.083 acre tract, 2,024.61 feet (called 2,002.77 feet,

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1 adjoiner called 2,024.13 feet) to a 1-inch iron pipe found for
2 reentry corner to the herein described tract, same being the upper
3 southwest corner of said adjoining called 430.083 acre tract, said
4 point also being the southeast corner of said called 75.856 acre
5 tract, and being in the north line of said called 200 acre tract
6 recorded in Volume 251, Page 551, Deed Records, Fort Bend County,
7 Texas;

8 THENCE North 87 degrees 53 minutes 34 seconds East (called East,
9 adjoiner called North 89 degrees 55 minutes 56 seconds East)
10 continuing along said common line, being the north line of said
11 called 200 acre tract, 894.07 feet (adjoiner called 894.11 feet) to
12 a 3/4 inch iron pipe found for the lower northeast corner of the
13 herein described tract and the northeast corner of said called 200
14 acre tract, same being a reentry corner to said adjoining called
15 430.083 acre tract;

16 THENCE South 01 degree 56 minutes 47 seconds East (called South,
17 adjoiner called South 00 degrees 02 minutes 54 seconds West)
18 continuing along said common line, 3,119.21 feet (called 3,122.2
19 feet, adjoiner called 3,120.16 feet) to a 1-inch iron pipe found for
20 the most easterly southeast corner of the herein described tract
21 and the southeast corner of said called 200 acre tract, same being
22 the lower southwest corner of said adjoining called 430.083 acre
23 tract, and being in the north line of an adjoining called 685.9742
24 acre tract described in deed recorded under County Clerk's File
25 Number 2004061394, Official Public Records, Fort Bend County,
26 Texas;

27 THENCE South 87 degrees 51 minutes 51 seconds West (called West,

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1 adjoiner called South 89 degrees 51 minutes 39 seconds West) along
2 the common line of the herein described tract and said adjoining
3 called 685.9742 acre tract, 2,792.12 feet (called 2,794.44 feet,
4 adjoiner called 2,793.03 feet) to a 1-1/4 inch iron pipe found for
5 the most easterly southwest corner of the herein described tract
6 and the southwest corner of said called 200 acre tract, same being
7 the northwest corner of said adjoining called 685.9742 acre tract,
8 and being in the east line of an adjoining called 473.246 acre tract
9 described in deed recorded in Volume 528, Page 132, Deed Records,
10 Fort Bend County, Texas, said point also being in the west line of
11 the J. D. Vermillion Survey, Abstract 339, same being the east line
12 of the J. G. Bennett Survey, Abstract 611;
13 THENCE North 01 degree 56 minutes 18 seconds West (called North,
14 adjoiner called North 00 degrees 31 minutes 25 seconds West) along
15 common line of the J. D. Vermillion Survey, Abstract 339, and the J.
16 G. Bennett Survey, Abstract 611, same being the common line of the
17 herein described tract and said adjoining called 473.246 acre
18 tract, 2,445.26 feet (adjoiner called 2,445.70 feet) to a 1/2 inch
19 iron pipe with cap marked "Kalkomey Surveying" set at a 1-1/4 inch
20 iron pipe found disturbed for a reentry corner to the herein
21 described tract, same being the northeast corner of said adjoining
22 called 473.2466 tract, said point also being the southeast corner
23 of said called 160 acre tract, and being in the west line of said
24 called 200 acre tract (Volume 251, Page 551, Deed Records, Fort Bend
25 County, Texas);
26 THENCE South 87 degrees 14 minutes 39 seconds West (called South 89
27 degrees 40 minutes West, adjoiner called South 88 degrees 40

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1 minutes 50 seconds West) along the common line of the herein
2 described tract and said adjoining called 473.246 acre tract,
3 2,533.40 feet (called 2,640 feet, adjoiner called 2,533.40 feet) to
4 a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for
5 reentry corner to the herein described tract, same being the
6 northwest corner of said adjoining called 473.246 acre tract, said
7 point being the southwest corner of said called 160 acre tract, and
8 being in the east line of said called 200 acre tract recorded in
9 Volume 252, Page 465, Deed Records, Fort Bend County, Texas, said
10 point also being in the west line of the J. G. Bennett Survey,
11 Abstract 611, and the H. & T. C. Railroad Company Survey Section
12 105;

13 THENCE South 01 degree 54 minutes 43 seconds East (called South,
14 adjoiner called South 00 degrees 57 minutes 52 seconds East) along
15 the common line of the herein described tract and said adjoining
16 called 473.246 acre tract, same being the common line of the J. G.
17 Bennett Survey, Abstract 611, and the H. & T. C. Railroad Company
18 Survey Section 105, Abstract 261, same being the east line of said
19 called 200 acre tract (Volume 252, Page 465, Deed Records, Fort Bend
20 County, Texas), and the east line of said called 110 acre tract,
21 2,397.64 feet (adjoiner called 2,398.52 feet) to a 1-1/4 inch iron
22 pipe found on said line for angle point, said point being the
23 southeast corner of said called 110 acre tract, same being the
24 northeast corner of said called 137-1/2 acre tract;

25 THENCE South 01 degree 12 minutes 21 seconds East (called South,
26 adjoiner called South 00 degrees 18 minutes 20 seconds West)
27 continuing along the common line of the herein described tract and

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1 said adjoining called 473.246 acre tract, same being the common
2 line of the J. G. Bennett Survey, Abstract 611, and the H. & T. C.
3 Railroad Company Survey Section 105, and along the east line of said
4 called 137-1/2 acre tract, 2,565.81 feet (called 817 varas,
5 2,269.44 feet, adjoiner called 2,766.96 feet) to a 3/4 inch iron
6 pipe found for the occupied lower southeast corner of the herein
7 described tract and the occupied southeast corner of said called
8 137-1/2 acre tract, same being the occupied northeast corner of an
9 adjoining called 192.50 acre tract described in deed recorded in
10 Volume 661, Page 696, Deed Records, Fort Bend County, Texas, said
11 point having coordinates of X = 2,954,406.59, Y = 13,829,987.63;
12 THENCE North 86 degrees 18 minutes 38 seconds West (called West)
13 along the occupied common line of the herein described tract and
14 said adjoining called 192.50 acre tract, same being the occupied
15 south line of said called 137-1/2 acre tract, 2,736.49 feet (called
16 950 varas, 2,638.89 feet) to a 1/2 inch iron pipe with cap marked
17 "Kalkomey Surveying" set for the occupied lower southwest corner of
18 the herein described tract and the occupied southwest corner of
19 said called 137-1/2 acre tract, same being the occupied northwest
20 corner of said adjoining called 192.50 acre tract, said point also
21 being in the east line of an adjoining called 1,316.47 acre tract
22 described in deed recorded in Volume 671, Page 310, Deed Records,
23 Fort Bend County, Texas, same being the common line of the H. & T. C.
24 Railroad Company Survey Section 105, Abstract 261, and the Micajah
25 Autrey Survey, Abstract 100, Fort Bend County, Texas;
26 THENCE North 01 degree 59 minutes 02 seconds West (called North)
27 along the lower west line of the herein described tract, being the

1 west line of the H. & T. C. Railroad Company Survey Section 105, the
2 west line of said called 137-1/2 acre tract, and the west line of
3 said called 110 acre tract, same being the east line of said
4 adjoining called 1,316.47 acre tract, the east line of the Micajah
5 Autrey Survey, Abstract 100, and the east line of the H. & T. C.
6 Railroad Company Survey Section 75, Abstract 732, Fort Bend County,
7 Texas, 2,434.00 feet to a 2-inch iron pipe found for reentry corner
8 to the herein described tract, same being the northeast corner of
9 said adjoining called 1,316.47 acre tract, and the southeast corner
10 of the aforementioned residue of the H. & T. C. Railroad Company
11 Survey Section 75, said point being in the west line of said called
12 110 acre tract, same being the common line of the H. & T. C. Railroad
13 Company Survey Section 105, Abstract 261, and the H. & T. C.
14 Railroad Company Survey Section 75, Abstract 732, Fort Bend County,
15 Texas;

16 THENCE South 87 degrees 38 minutes 20 seconds West (adjoiner called
17 South 89 degrees 12 minutes 37 seconds West) along the common line
18 of the herein described tract and said adjoining called 1,316.47
19 acre tract, 4,988.30 feet to a 1/2 inch iron pipe with cap marked
20 "Kalkomey Surveying" set on said line for corner, said point being
21 the southeast corner of an adjoining 10.00 acre tract surveyed by
22 the undersigned this date;

23 THENCE North 02 degrees 36 minutes 12 seconds West along the common
24 line of the herein described tract and said adjoining 10.00 acre
25 tract, 435.60 feet to a 1/2 inch iron pipe with cap marked "Kalkomey
26 Surveying" set for reentry corner to the herein described tract,
27 same being the northeast corner of said adjoining 10.00 acre tract;

1 THENCE South 87 degrees 38 minutes 20 seconds West continuing along
2 said common line, 1,000.00 feet to a 1/2 inch iron pipe with cap
3 marked "Kalkomey Surveying" set for the most westerly southwest
4 corner of the herein described tract, same being the northwest
5 corner of said adjoining 10.00 acre tract, and being in the east
6 right-of-way line of Woods Road;

7 THENCE North 02 degrees 36 minutes 12 seconds West along the most
8 westerly west line of the herein described tract, same being the
9 east right-of-way line of Woods Road, 1,146.34 feet to a 1/2 inch
10 iron pipe found for corner of the herein described tract, being the
11 southwest corner of an adjoining called 1.0 acre tract described in
12 deed recorded in Volume 0676, Page 580, Official Records, Waller
13 County, Texas, and County Clerk's File Number 2000050964, Official
14 Public Records, Fort Bend County, Texas;

15 THENCE North 87 degrees 22 minutes 09 seconds East along the common
16 line of the herein described tract and said adjoining called 1.0
17 acre tract, at 211.82 feet pass a 1/2 inch iron pipe found on said
18 line for the southeast corner of said adjoining called 1.0 acre
19 tract, same being the southwest corner of an adjoining called 4.00
20 acre tract described in deed recorded in Volume 0651, Page 148,
21 Official Records, Waller County, Texas, and County Clerk's File
22 Number 2000050963, Official Public Records, Fort Bend County,
23 Texas, and continuing for a total distance of 461.91 feet to a 1/2
24 inch iron pipe with cap marked "Kalkomey Surveying" found for
25 reentry corner to the herein described tract, same being the
26 southeast corner of said adjoining called 4.00 acre tract;

27 THENCE North 02 degrees 36 minutes 57 seconds West along the common

1 line the herein described tract and said adjoining called 4.00 acre
2 tract, at 696.74 feet pass a 1/2 inch iron pipe with cap marked
3 "Kalkomey Surveying" found on said line for the northeast corner of
4 said adjoining called 4.00 acre tract, same being the southeast
5 corner of an adjoining 3.922 acre tract surveyed by the undersigned
6 this date, and continuing for a total distance of 853.82 feet to a
7 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for a
8 northwest corner of the herein described tract, same being the
9 lower southwest corner of the aforementioned adjoining 15.396 acre
10 tract surveyed by the undersigned this date, and being in the east
11 line of said adjoining 3.922 acre tract;
12 THENCE North 88 degrees 02 minutes 42 seconds East along the common
13 line of the herein described tract and said adjoining 15.396 acre
14 tract, 540.44 feet to a 1/2 inch iron pipe with cap marked "Kalkomey
15 Surveying" set for reentry corner to the herein described tract,
16 same being the southeast corner of said adjoining 15.396 acre
17 tract;
18 THENCE North 02 degrees 42 minutes 01 second West continuing along
19 said common line, at 960.06 feet pass a 1/2 inch iron pipe with cap
20 marked "Kalkomey Surveying" set on said line at its intersection
21 with the south margin of Jordan Road, and continuing for a total
22 distance of 1,030.06 feet to the Place of Beginning and containing
23 1,354.459 acres of land, more or less.

24 SECTION 3. Subtitle F, Title 6, Special District Local Laws
25 Code, is amended by adding Chapter 8446 to read as follows:

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

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8446.001. DEFINITIONS. In this chapter:

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

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

7 (3) "Director" means a board member.

8 (4) "District" means the Fort Bend County Municipal
9 Utility District No. 184.

10 Sec. 8446.002. NATURE OF DISTRICT. The district is a
11 municipal utility district created under Section 59, Article XVI,
12 Texas Constitution.

13 Sec. 8446.003. CONFIRMATION AND DIRECTORS' ELECTION
14 REQUIRED. The temporary directors shall hold an election to
15 confirm the creation of the district and to elect five permanent
16 directors as provided by Section 49.102, Water Code.

17 Sec. 8446.004. CONSENT OF MUNICIPALITY REQUIRED. The
18 temporary directors may not hold an election under Section 8446.003
19 until each municipality in whose corporate limits or
20 extraterritorial jurisdiction the district is located has
21 consented by ordinance or resolution to the creation of the
22 district and to the inclusion of land in the district.

23 Sec. 8446.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

5 Sec. 8446.006. INITIAL DISTRICT TERRITORY. (a) The
6 district is initially composed of the territory described by
7 Section 4 of the Act enacting this chapter.

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

12 (1) organization, existence, or validity;

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

16 (3) right to impose a tax; or

17 (4) legality or operation.

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 8446.051. GOVERNING BODY; TERMS. (a) The district is
20 governed by a board of five elected directors.

21 (b) Except as provided by Section 8446.052, directors serve
22 staggered four-year terms.

23 Sec. 8446.052. TEMPORARY DIRECTORS. (a) On or after the
24 effective date of the Act enacting this chapter, the owner or owners
25 of a majority of the assessed value of the real property in the
26 district may submit a petition to the commission requesting that
27 the commission appoint as temporary directors the five persons

1 named in the petition. The commission shall appoint as temporary
2 directors the five persons named in the petition.

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

4 (1) the date permanent directors are elected under
5 Section 8446.003; or

6 (2) the fourth anniversary of the effective date of
7 the Act enacting this chapter.

8 (c) If permanent directors have not been elected under
9 Section 8446.003 and the terms of the temporary directors have
10 expired, successor temporary directors shall be appointed or
11 reappointed as provided by Subsection (d) to serve terms that
12 expire on the earlier of:

13 (1) the date permanent directors are elected under
14 Section 8446.003; or

15 (2) the fourth anniversary of the date of the
16 appointment or reappointment.

17 (d) If Subsection (c) applies, the owner or owners of a
18 majority of the assessed value of the real property in the district
19 may submit a petition to the commission requesting that the
20 commission appoint as successor temporary directors the five
21 persons named in the petition. The commission shall appoint as
22 successor temporary directors the five persons named in the
23 petition.

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 8446.101. GENERAL POWERS AND DUTIES. The district has
26 the powers and duties necessary to accomplish the purposes for
27 which the district is created.

1 Sec. 8446.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2 DUTIES. The district has the powers and duties provided by the
3 general law of this state, including Chapters 49 and 54, Water Code,
4 applicable to municipal utility districts created under Section 59,
5 Article XVI, Texas Constitution.

6 Sec. 8446.103. AUTHORITY FOR ROAD PROJECTS. Under Section
7 52, Article III, Texas Constitution, the district may design,
8 acquire, construct, finance, issue bonds for, improve, operate,
9 maintain, and convey to this state, a county, or a municipality for
10 operation and maintenance macadamized, graveled, or paved roads, or
11 improvements, including storm drainage, in aid of those roads.

12 Sec. 8446.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
13 road project must meet all applicable construction standards,
14 zoning and subdivision requirements, and regulations of each
15 municipality in whose corporate limits or extraterritorial
16 jurisdiction the road project is located.

17 (b) If a road project is not located in the corporate limits
18 or extraterritorial jurisdiction of a municipality, the road
19 project must meet all applicable construction standards, zoning and
20 subdivision requirements, and regulations of each county in which
21 the road project is located.

22 (c) If the state will maintain and operate the road, the
23 Texas Transportation Commission must approve the plans and
24 specifications of the road project.

25 Sec. 8446.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
26 OR RESOLUTION. The district shall comply with all applicable
27 requirements of any ordinance or resolution that is adopted under

1 Section 54.016 or 54.0165, Water Code, and that consents to the
2 creation of the district or to the inclusion of land in the
3 district.

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 8446.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

9 (2) contract payments described by Section 8446.153.

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

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

18 Sec. 8446.152. OPERATION AND MAINTENANCE TAX. (a) If
19 authorized at an election held under Section 8446.151, the district
20 may impose an operation and maintenance tax on taxable property in
21 the district in accordance with Section 49.107, Water Code.

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

24 Sec. 8446.153. CONTRACT TAXES. (a) In accordance with
25 Section 49.108, Water Code, the district may impose a tax other than
26 an operation and maintenance tax and use the revenue derived from
27 the tax to make payments under a contract after the provisions of

1 the contract have been approved by a majority of the district voters
2 voting at an election held for that purpose.

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

6 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

7 Sec. 8446.201. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. The district may issue bonds or other obligations
9 payable wholly or partly from ad valorem taxes, impact fees,
10 revenue, contract payments, grants, or other district money, or any
11 combination of those sources, to pay for any authorized district
12 purpose.

13 Sec. 8446.202. TAXES FOR BONDS. At the time the district
14 issues bonds payable wholly or partly from ad valorem taxes, the
15 board shall provide for the annual imposition of a continuing
16 direct ad valorem tax, without limit as to rate or amount, while all
17 or part of the bonds are outstanding as required and in the manner
18 provided by Sections 54.601 and 54.602, Water Code.

19 Sec. 8446.203. BONDS FOR ROAD PROJECTS. At the time of
20 issuance, the total principal amount of bonds or other obligations
21 issued or incurred to finance road projects and payable from ad
22 valorem taxes may not exceed one-fourth of the assessed value of the
23 real property in the district.

24 SECTION 4. The Fort Bend County Municipal Utility District
25 No. 184 initially includes all the territory contained in the
26 following area:

27 506.74 acres of land situated in the Wiley Martin Survey,

S.B. No. 1910

1 Abstract 56, and the E.P. Everett Survey, Abstract 387, Fort Bend
2 County, Texas, being that certain called 376.1612 acre tract of
3 land as described in deed and recorded in Volume 1934, Page 712 of
4 the Deed Records of Fort Bend County, Texas and being that certain
5 called 130.5756 acre tract of land as described in deed and recorded
6 in the Official Public Records of Real Property of Fort Bend County,
7 Texas under County Clerk's File Number 1999107785, said 506.74
8 acres of land being more particularly described by metes and bounds
9 as follows, bearing orientation is based on the Texas Coordinate
10 System of 1983, South Central Zone:

11 BEGINNING at a 1/2 inch iron rod found at the intersection of
12 the centerline of Myers Road (based on a width of 60.00 feet) with
13 the northwesterly right-of-way line of Berdette Road (based on a
14 width of 60.00 feet);

15 Thence, S 21°34'18" W, with the northwesterly right-of-way
16 line of Berdette Road, a distance of 3266.25 feet to a 3/4 inch iron
17 rod with cap set in the northeasterly line of that certain called
18 607.75 acre tract of land as described in deed and recorded in
19 Volume 64, Page 109 of the Deed Records of Fort Bend County, Texas,
20 being in the northeasterly line of the Henry Wilcox Survey,
21 Abstract 342;

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

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

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

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

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

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

12 Thence, S 67°49'42" E, with the centerline of Myers Road, a
13 distance of 6569.03 feet to the POINT OF BEGINNING and containing
14 506.74 acres of land.

15 SECTION 5. (a) The legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
21 Government Code.

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

2 (d) All requirements of the constitution and laws of this
3 state and the rules and procedures of the legislature with respect
4 to the notice, introduction, and passage of this Act are fulfilled
5 and accomplished.

6 SECTION 6. (a) If this Act does not receive a two-thirds
7 vote of all the members elected to each house, Subchapter C, Chapter
8 8487, Special District Local Laws Code, as added by Section 1 of
9 this Act, is amended by adding Section 8487.107 to read as follows:

10 Sec. 8487.107. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

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

15 SECTION 7. (a) If this Act does not receive a two-thirds
16 vote of all the members elected to each house, Subchapter C, Chapter
17 8446, Special District Local Laws Code, as added by this Act, is
18 amended by adding Section 8446.106 to read as follows:

19 Sec. 8446.106. NO EMINENT DOMAIN POWER. The district may
20 not exercise the power of eminent domain.

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

24 SECTION 8. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1910 passed the Senate on May 7, 2013, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1910 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 147, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor