

1-1 By: Bell (Senate Sponsor - Kolkhorst) H.B. No. 4132  
 1-2 (In the Senate - Received from the House May 4, 2015;  
 1-3 May 4, 2015, read first time and referred to Committee on  
 1-4 Administration; May 7, 2015, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 0; May 7, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock			X	
1-8 Uresti	X			
1-9 Campbell	X			
1-10 Eltife	X			
1-11 Huffines	X			
1-12 Schwertner	X			
1-13 West	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the creation of the Waller County Municipal Utility  
 1-18 District No. 21; granting a limited power of eminent domain;  
 1-19 providing authority to issue bonds; providing authority to impose  
 1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
 1-23 Code, is amended by adding Chapter 7929 to read as follows:

1-24 CHAPTER 7929. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 21

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7929.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on  
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Waller County Municipal  
 1-32 Utility District No. 21.

1-33 Sec. 7929.002. NATURE OF DISTRICT. The district is a  
 1-34 municipal utility district created under Section 59, Article XVI,  
 1-35 Texas Constitution.

1-36 Sec. 7929.003. CONFIRMATION AND DIRECTORS' ELECTION  
 1-37 REQUIRED. The temporary directors shall hold an election to  
 1-38 confirm the creation of the district and to elect five permanent  
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7929.004. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-41 temporary directors may not hold an election under Section 7929.003  
 1-42 until each municipality in whose corporate limits or  
 1-43 extraterritorial jurisdiction the district is located has  
 1-44 consented by ordinance or resolution to the creation of the  
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 7929.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
 1-47 The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by  
 1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that  
 1-52 relate to the construction, acquisition, improvement, operation,  
 1-53 or maintenance of macadamized, graveled, or paved roads, or  
 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 7929.006. INITIAL DISTRICT TERRITORY. (a) The  
 1-56 district is initially composed of the territory described by  
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of  
 1-59 the Act enacting this chapter form a closure. A mistake made in the  
 1-60 field notes or in copying the field notes in the legislative process  
 1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7929.051. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 7929.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7929.052. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 7929.003; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 7929.003 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 7929.003; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7929.101. GENERAL POWERS AND DUTIES. The district has

2-42 the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 7929.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 7929.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 7929.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

2-56 project must meet all applicable construction standards, zoning and

2-57 subdivision requirements, and regulations of each municipality in

2-58 whose corporate limits or extraterritorial jurisdiction the road

2-59 project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 7929.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under  
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the  
3-3 creation of the district or to the inclusion of land in the  
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 7929.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
3-7 district may issue, without an election, bonds and other  
3-8 obligations secured by:

3-9 (1) revenue other than ad valorem taxes; or

3-10 (2) contract payments described by Section 7929.153.

3-11 (b) The district must hold an election in the manner  
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-13 before the district may impose an ad valorem tax or issue bonds  
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem  
3-16 taxes to finance a road project unless the issuance is approved by a  
3-17 vote of a two-thirds majority of the district voters voting at an  
3-18 election held for that purpose.

3-19 Sec. 7929.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-20 authorized at an election held under Section 7929.151, the district  
3-21 may impose an operation and maintenance tax on taxable property in  
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not  
3-24 exceed the rate approved at the election.

3-25 Sec. 7929.153. CONTRACT TAXES. (a) In accordance with  
3-26 Section 49.108, Water Code, the district may impose a tax other than  
3-27 an operation and maintenance tax and use the revenue derived from  
3-28 the tax to make payments under a contract after the provisions of  
3-29 the contract have been approved by a majority of the district voters  
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a  
3-32 provision stating that the contract may be modified or amended by  
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 7929.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-36 OBLIGATIONS. The district may issue bonds or other obligations  
3-37 payable wholly or partly from ad valorem taxes, impact fees,  
3-38 revenue, contract payments, grants, or other district money, or any  
3-39 combination of those sources, to pay for any authorized district  
3-40 purpose.

3-41 Sec. 7929.202. TAXES FOR BONDS. At the time the district  
3-42 issues bonds payable wholly or partly from ad valorem taxes, the  
3-43 board shall provide for the annual imposition of a continuing  
3-44 direct ad valorem tax, without limit as to rate or amount, while all  
3-45 or part of the bonds are outstanding as required and in the manner  
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 7929.203. BONDS FOR ROAD PROJECTS. At the time of  
3-48 issuance, the total principal amount of bonds or other obligations  
3-49 issued or incurred to finance road projects and payable from ad  
3-50 valorem taxes may not exceed one-fourth of the assessed value of the  
3-51 real property in the district.

3-52 SECTION 2. The Waller County Municipal Utility District No.  
3-53 21 initially includes all the territory contained in the following  
3-54 area:

3-55 Being a 794.46 acre tract of land in the W. Hillhouse Survey,  
3-56 Abstract 136, Waller County, Texas, the F.L. Smith Survey, Abstract  
3-57 252, Waller County, Texas, the D. Warren Survey, Abstract 394,  
3-58 Waller County, Texas, the W. Rogerson Survey, Abstract 245, Waller  
3-59 County, Texas, the R. Watson Survey, Abstract 271, Waller County,  
3-60 being out of a called 2023.4232 acre tract of land as recorded under  
3-61 Volume 883, Page 590 of the Real Property Records Waller County, and  
3-62 Montgomery County Clerk's File No. 2005-063061, and all of a called  
3-63 803.86 acre tract of land as recorded in Volume 1330, Page 226, of  
3-64 the Real Properties Records of Waller County, Texas. Said 794.46  
3-65 acre tract, being more particularly described as follows:

3-66 BEGINNING at a 2" iron pipe found for the southeasterly  
3-67 corner of a called 20.0 acre tract of land as recorded in Volume  
3-68 1395, Page 146 of the Deed Records of Waller County, Texas;

3-69 THENCE N 03 deg. 35' 03" W along the easterly line of said

4-1 20.0 acre tract, also along the easterly line of a 90.0 acre tract  
 4-2 as recorded in Volume 1395, Page 146, of the Deed Records of Waller  
 4-3 County, Texas, a distance of 3024.46 feet (passing at 2986.66' a 1"  
 4-4 iron pipe) to a 5/8" iron rod set for the northeasterly corner of a  
 4-5 said 90.0 acre tract, also being the southeasterly corner of a  
 4-6 163.4756 acre tract as recorded in Volume 1395, Page 146, of the  
 4-7 Deed Records of Waller County, Texas also being the southwesterly  
 4-8 corner of a 14.995 acre tract as recorded in Volume 1395, Page 146,  
 4-9 of the Deed Records of Waller County, Texas, and being a  
 4-10 northwesterly corner of herein described tract;

4-11 THENCE N 87 deg. 24' 23" E along the southerly line of said  
 4-12 14.995 acre tract, also along a 26.503 acre tract as recorded in  
 4-13 Volume 252, Page 769 of the Deed Records of Waller County, Texas,  
 4-14 also along a 26.503 acre tract as recorded in Volume 1253, Page 806,  
 4-15 of the Deed Records of Waller County, Texas also along a 26.503 acre  
 4-16 tract as recorded in Volume 249, Page 704 of the Deed Records of  
 4-17 Montgomery County, Texas, a distance of 5061.12 feet to a 5/8" iron  
 4-18 rod set for the southwesterly corner of a called 8.807 acre tract of  
 4-19 land as recorded in Clerk's File No. 2005-063061 of the Real  
 4-20 Property Records of Montgomery County Texas, also being in the  
 4-21 southerly Right of Way of the Missouri Pacific Railroad, 150' Right  
 4-22 of way recorded in Volume 26, Page 320 of the Deed Records of  
 4-23 Montgomery County, Texas, and being a northerly corner of herein  
 4-24 described tract;

4-25 THENCE along the southerly line of the said 8.807 acre tract  
 4-26 and the Railroad Right of Way as follows:

4-27 S 43 deg 56' 21" E a distance of 830.35 feet to a 5/8"  
 4-28 iron rod set for corner

4-29 THENCE along a curve to the left with a radius of 2021.71  
 4-30 feet, a chord that bears S 51 deg 09' 41" E, a chord distance of  
 4-31 429.85' to a 5/8" iron rod set for in the westerly line of a called  
 4-32 62.677 acre tract of land as recorded in Montgomery County Clerk's  
 4-33 File No. 2006-059345, and being the most northerly northeast corner  
 4-34 of the herein described tract;

4-35 THENCE S 01 deg. 38' 08" E along the westerly line of the said  
 4-36 62.677 acre tract, a distance of 2542.42 feet to 5/8" iron rod  
 4-37 capped found for the northeasterly corner of a 803.86 acre tract as  
 4-38 recorded in Volume 1330, Page 226 of the Deed Records of Waller  
 4-39 County, Texas, also being the northwesterly corner of Ranch Crest  
 4-40 Subdivision, Section 2, as recorded under Montgomery County Map  
 4-41 Records in Cabinet Z, Sheet 1741, and being a corner of herein  
 4-42 described tract;

4-43 THENCE S 01 deg. 38' 07" E along the easterly line the said  
 4-44 803.86 acre tract, a distance of 1463.36 feet to the southeasterly  
 4-45 corner of the herein described tract

4-46 THENCE across the said 803.86 acre tract and the said  
 4-47 2023.4232 acre tract as follows:

4-48 THENCE N 89deg46'05" W, a distance of 1403.20' to a  
 4-49 point for corner

4-50 THENCE with a curve turning to the right with an arc  
 4-51 length of 1904.28', having a radius of 2000.00', a chord which  
 4-52 bears S 39deg16'07" W, a chord length of 1833.16';

4-53 THENCE S 66deg32'44" W, a distance of 498.48' to a point  
 4-54 for corner

4-55 THENCE with a curve turning to the left with an arc  
 4-56 length of 1671.08', having a radius of 3500.00', a chord which  
 4-57 bears S 52deg52'03" W, a chord length of 1655.25';

4-58 THENCE S 39deg11'23" W, a distance of 175.18' to a point  
 4-59 for corner

4-60 THENCE N 48deg32'01" W, a distance of 1741.71' to a  
 4-61 point for corner

4-62 THENCE N 01deg42'32" W, a distance of 291.80' to a point  
 4-63 for corner

4-64 THENCE N 50deg13'03" E, a distance of 936.60' to a point  
 4-65 for corner

4-66 THENCE N 37deg13'01" W, a distance of 1044.87' to a  
 4-67 point for corner

4-68 THENCE N 12deg11'39" W, a distance of 614.73' to a point  
 4-69 for corner

