

By: Bell

H.B. No. 4133

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 23; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and 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 7920 to read as follows:

CHAPTER 7920. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 23

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7920.001. 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 Waller County Municipal Utility District No. 23.

Sec. 7920.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7920.003. 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. 7920.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7920.003  
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. 7920.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
8 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. 7920.006. 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. 7920.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7920.052, directors serve  
6 staggered four-year terms.

7           Sec. 7920.052. TEMPORARY DIRECTORS. (a) On or after the  
8 effective date of the Act enacting this chapter, the owner or owners  
9 of a majority of the assessed value of the real property in the  
10 district may submit a petition to the commission requesting that  
11 the commission appoint as temporary directors the five persons  
12 named in the petition. The commission shall appoint as temporary  
13 directors the five persons named in the petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 7920.003; or

17                   (2) the fourth anniversary of the effective date of  
18 the Act enacting this chapter.

19           (c) If permanent directors have not been elected under  
20 Section 7920.003 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 7920.003; or

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

1       (d) If Subsection (c) applies, the owner or owners of a  
2 majority of the assessed value of the real property in the district  
3 may submit a petition to the commission requesting that the  
4 commission appoint as successor temporary directors the five  
5 persons named in the petition. The commission shall appoint as  
6 successor temporary directors the five persons named in the  
7 petition.

8                   SUBCHAPTER C. POWERS AND DUTIES

9       Sec. 7920.101. GENERAL POWERS AND DUTIES. The district has  
10 the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12       Sec. 7920.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
13 DUTIES. The district has the powers and duties provided by the  
14 general law of this state, including Chapters 49 and 54, Water Code,  
15 applicable to municipal utility districts created under Section 59,  
16 Article XVI, Texas Constitution.

17       Sec. 7920.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
18 52, Article III, Texas Constitution, the district may design,  
19 acquire, construct, finance, issue bonds for, improve, operate,  
20 maintain, and convey to this state, a county, or a municipality for  
21 operation and maintenance macadamized, graveled, or paved roads, or  
22 improvements, including storm drainage, in aid of those roads.

23       Sec. 7920.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
24 project must meet all applicable construction standards, zoning and  
25 subdivision requirements, and regulations of each municipality in  
26 whose corporate limits or extraterritorial jurisdiction the road  
27 project is located.

1       (b) If a road project is not located in the corporate limits  
2 or extraterritorial jurisdiction of a municipality, the road  
3 project must meet all applicable construction standards,  
4 subdivision requirements, and regulations of each county in which  
5 the road project is located.

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

9       Sec. 7920.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
10 OR RESOLUTION. The district shall comply with all applicable  
11 requirements of any ordinance or resolution that is adopted under  
12 Section 54.016 or 54.0165, Water Code, and that consents to the  
13 creation of the district or to the inclusion of land in the  
14 district.

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 7920.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
17 district may issue, without an election, bonds and other  
18 obligations secured by:

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

20               (2) contract payments described by Section 7920.153.

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

25       (c) The district may not issue bonds payable from ad valorem  
26 taxes to finance a road project unless the issuance is approved by a  
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 7920.152. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 7920.151, the district  
4 may impose an operation and maintenance tax on taxable property in  
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 7920.153. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 7920.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24 Sec. 7920.202. TAXES FOR BONDS. At the time the district  
25 issues bonds payable wholly or partly from ad valorem taxes, the  
26 board shall provide for the annual imposition of a continuing  
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner  
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 7920.203. BONDS FOR ROAD PROJECTS. At the time of  
4 issuance, the total principal amount of bonds or other obligations  
5 issued or incurred to finance road projects and payable from ad  
6 valorem taxes may not exceed one-fourth of the assessed value of the  
7 real property in the district.

8 SECTION 2. The Waller County Municipal Utility District No.  
9 23 initially includes all the territory contained in the following  
10 area:

11 Being a 622.88 acre tract of land in the W. Hillhouse Survey,  
12 Abstract 136, Waller County, Texas, the F.L. Smith Survey, Abstract  
13 252, Waller County, Texas, the D. Warren Survey, Abstract 394,  
14 Waller County, Texas, the W. Rogerson Survey, Abstract 245, Waller  
15 County, Texas, the R. Watson Survey, Abstract 271, Waller County,  
16 being out of a called 2023.4232 acre tract of land as recorded under  
17 Volume 883, Page 590 of the Real Property Records Waller County, and  
18 Montgomery County Clerk's File No. 2005-063061. Said 622.88 acre  
19 tract, being more particularly described as follows:

20 BEGINNING at a 1" iron pipe for the southeasterly corner of a  
21 called 81.00 acre tract of land as recorded in Volume 610, Page 578  
22 of the deed records of Montgomery County Texas, also being the  
23 southwesterly corner of the said 2023.4232 acre tract;

24 THENCE N 03 deg. 29' 36" W along the easterly line of said  
25 81.00 acre tract, a distance of 1726.26 feet to a 1" bar found for  
26 the northeasterly corner of said 81.00 acre tract, and being a  
27 southwesterly corner of herein described tract;

1           THENCE S 86 deg. 39' 20" W along the northerly line of said  
2 81.00 acre tract, also along the northerly line of 12.572 acre tract  
3 as recorded under Volume 1070, Page 545 of the Deed Records of  
4 Waller County, Texas, also along the northerly line of a 45.506 acre  
5 tract as recorded under Volume 934, Page 241 of the Deed Records of  
6 Waller County, Texas, a distance of 3519.08 feet to a 2" pipe on the  
7 northerly line of said 45.506 acre tract, also being the  
8 southeasterly corner of a 48.0 acre tract as recorded under Volume  
9 1017, Page 070 of the Deed Records of Waller County, Texas and being  
10 a southwesterly corner of herein described tract;

11           THENCE N 03 deg. 17' 44" W along the easterly line of said  
12 48.0 acre tract, also along the easterly line of a 10.0 acre tract  
13 as recorded under Volume 1070, Page 070, Volume 0960, Page 673,  
14 Volume 1108, Page 241 & 247 of the Deed Records of Waller County,  
15 Texas, a distance of 1107.47 feet to a concrete monument for the  
16 northeasterly corner of said 10.0 acre tract, and being a  
17 southwesterly corner of herein described tract;

18           THENCE S 86 deg. 37' 35" W along the northerly line of said  
19 10.0 acre tract, a distance of 1895.45 feet to a concrete monument  
20 found for corner of said 10.0 acre tract, also being the easterly  
21 line of 1384.0 acre tract as recorded in Volume 32, Page 27 of the  
22 Deed Records of Waller County, Texas, and being a southwesterly  
23 corner of herein described tract;

24           THENCE N 03 deg. 12' 17" W along the easterly line of said  
25 1384.0 acre tract, a distance of 4066.21 feet to a concrete monument  
26 on easterly line of said 1384.0 acre tract, also being the  
27 southwesterly corner of a 229.0 acre tract of land as recorded in

1 Volume 72, Page 124 of the Deed records of Waller County, Texas, and  
2 being a northwesterly corner of herein described tract;

3           THENCE N 86 deg. 26' 44" E along the southerly line of said  
4 229.0 acre tract, a distance of 2690.70 feet to a Fence Corner found  
5 for the southeasterly corner of said 229.0 acre tract, and being a  
6 corner of herein described tract;

7           THENCE N 03 deg. 02' 22" W along the easterly line of said  
8 229.0 acre tract, a distance of 938.08 feet to the most northerly  
9 point of the herein described tract;

10           THENCE across the said 2023.4232 acre tract as follows:

11                   THENCE N 87deg24'30" E, a distance of 976.07' to a point  
12 for corner

13                   THENCE S 11deg24'02" E, a distance of 920.79' to a point  
14 for corner

15                   THENCE S 22deg31'16" W, a distance of 241.81' to a point  
16 for corner

17           THENCE with a curve turning to the right with an arc  
18 length of 610.49', having a radius of 2000.00', a chord which bears  
19 S 59deg55'12" E, a chord length of 608.12';

20                   THENCE S 51deg10'31" E, a distance of 411.07' to a point  
21 for corner;

22           THENCE with a curve turning to the left with an arc  
23 length of 158.92', having a radius of 2000.00', a chord which bears  
24 S 53deg27'06" E, a chord length of 158.88';

25                   THENCE S 26deg58'13" W, a distance of 188.08' to a point  
26 for corner

27           THENCE with a curve turning to the left with an arc

1 length of 1228.20', having a radius of 2800.00', a chord which bears  
2 S 14deg24'14" W, a chord length of 1218.38';

3           THENCE S 86deg11'28" E, a distance of 215.01' to a point  
4 for corner

5           THENCE with a curve turning to the right with an arc  
6 length of 1128.40', having a radius of 1400.00', a chord which bears  
7 S 63deg06'03" E, a chord length of 1098.11';

8           THENCE with a compound curve turning to the right with  
9 an arc length of 1073.28', having a radius of 1400.00', a chord  
10 which bears S 18deg02'54" E, a chord length of 1047.19';

11           THENCE S 03deg54'50" W, a distance of 607.93' to a point  
12 for corner

13           THENCE N 89deg47'45" E, a distance of 1008.22' to a  
14 point for corner

15           THENCE S 08deg13'31" E, a distance of 1330.08' to a  
16 point for corner

17           THENCE S 10deg42'18" E, a distance of 566.69' to a point  
18 for corner

19           THENCE S 33deg15'32" W, a distance of 378.47' to a point  
20 for corner

21           THENCE S 02deg10'05" E, a distance of 196.50' to a point for  
22 corner in the northerly Right of Way of FM 1488;

23           THENCE S 87 deg. 27' 46" W along the northerly line of FM  
24 1488, a distance of 467.88 feet to a 5/8" iron rod set along the  
25 northerly Right of Way of FM 1488;

26           THENCE along a curve to the left having a radius of 1975.31  
27 feet, a chord that bears S 81 deg. 30' 29" W, a distance of 408.03

1 feet along the northerly line of FM 1488, to a 5/8" iron rod set for  
2 an angle point of the herein described tract;

3 THENCE S 86 deg 29' 45" W, a distance of 194.36 feet to the  
4 POINT OF BEGINNING, and containing 622.88 acres of land, more or  
5 less.

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

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

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

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

24 SECTION 4. (a) If this Act does not receive a two-thirds  
25 vote of all the members elected to each house, Subchapter C, Chapter  
26 7920, Special District Local Laws Code, as added by Section 1 of  
27 this Act, is amended by adding Section 7920.106 to read as follows:

1        Sec. 7920.106. NO EMINENT DOMAIN POWER. The district may  
2 not exercise the power of eminent domain.

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

6            SECTION 5. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2015.