

1-1 By: Bell (Senate Sponsor - Kolkhorst) H.B. No. 4133  
 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 18, 2015, reported favorably by the following  
 1-5 vote: Yeas 5, Nays 0; May 18, 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. 23; 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 7920 to read as follows:

1-24 CHAPTER 7920. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 23

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7920.001. 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. 23.

1-33 Sec. 7920.002. 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. 7920.003. 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. 7920.004. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-41 temporary directors may not hold an election under Section 7920.003  
 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. 7920.005. 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. 7920.006. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7920.051. 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 7920.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7920.052. 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 7920.003; 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 7920.003 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 7920.003; 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.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7920.101. 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. 7920.102. 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. 7920.103. 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. 7920.104. 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. 7920.105. 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. 7920.151. 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 7920.153.

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. 7920.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-20 authorized at an election held under Section 7920.151, 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. 7920.153. 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. 7920.201. 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. 7920.202. 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. 7920.203. 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 23 initially includes all the territory contained in the following  
3-54 area:

3-55 Being a 622.88 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. Said 622.88 acre  
3-63 tract, being more particularly described as follows:

3-64 BEGINNING at a 1" iron pipe for the southeasterly corner of a  
3-65 called 81.00 acre tract of land as recorded in Volume 610, Page 578  
3-66 of the deed records of Montgomery County Texas, also being the  
3-67 southwesterly corner of the said 2023.4232 acre tract;

3-68 THENCE N 03 deg. 29' 36" W along the easterly line of said  
3-69 81.00 acre tract, a distance of 1726.26 feet to a 1" bar found for

4-1 the northeasterly corner of said 81.00 acre tract, and being a  
4-2 southwesterly corner of herein described tract;

4-3       THENCE S 86 deg. 39' 20" W along the northerly line of said  
4-4 81.00 acre tract, also along the northerly line of 12.572 acre tract  
4-5 as recorded under Volume 1070, Page 545 of the Deed Records of  
4-6 Waller County, Texas, also along the northerly line of a 45.506 acre  
4-7 tract as recorded under Volume 934, Page 241 of the Deed Records of  
4-8 Waller County, Texas, a distance of 3519.08 feet to a 2" pipe on the  
4-9 northerly line of said 45.506 acre tract, also being the  
4-10 southeasterly corner of a 48.0 acre tract as recorded under Volume  
4-11 1017, Page 070 of the Deed Records of Waller County, Texas and being  
4-12 a southwesterly corner of herein described tract;

4-13       THENCE N 03 deg. 17' 44" W along the easterly line of said  
4-14 48.0 acre tract, also along the easterly line of a 10.0 acre tract  
4-15 as recorded under Volume 1070, Page 070, Volume 0960, Page 673,  
4-16 Volume 1108, Page 241 & 247 of the Deed Records of Waller County,  
4-17 Texas, a distance of 1107.47 feet to a concrete monument for the  
4-18 northeasterly corner of said 10.0 acre tract, and being a  
4-19 southwesterly corner of herein described tract;

4-20       THENCE S 86 deg. 37' 35" W along the northerly line of said  
4-21 10.0 acre tract, a distance of 1895.45 feet to a concrete monument  
4-22 found for corner of said 10.0 acre tract, also being the easterly  
4-23 line of 1384.0 acre tract as recorded in Volume 32, Page 27 of the  
4-24 Deed Records of Waller County, Texas, and being a southwesterly  
4-25 corner of herein described tract;

4-26       THENCE N 03 deg. 12' 17" W along the easterly line of said  
4-27 1384.0 acre tract, a distance of 4066.21 feet to a concrete monument  
4-28 on easterly line of said 1384.0 acre tract, also being the  
4-29 southwesterly corner of a 229.0 acre tract of land as recorded in  
4-30 Volume 72, Page 124 of the Deed records of Waller County, Texas, and  
4-31 being a northwesterly corner of herein described tract;

4-32       THENCE N 86 deg. 26' 44" E along the southerly line of said  
4-33 229.0 acre tract, a distance of 2690.70 feet to a Fence Corner found  
4-34 for the southeasterly corner of said 229.0 acre tract, and being a  
4-35 corner of herein described tract;

4-36       THENCE N 03 deg. 02' 22" W along the easterly line of said  
4-37 229.0 acre tract, a distance of 938.08 feet to the most northerly  
4-38 point of the herein described tract;

4-39       THENCE across the said 2023.4232 acre tract as follows:

4-40               THENCE N 87deg24'30" E, a distance of 976.07' to a point  
4-41 for corner

4-42               THENCE S 11deg24'02" E, a distance of 920.79' to a point  
4-43 for corner

4-44               THENCE S 22deg31'16" W, a distance of 241.81' to a point  
4-45 for corner

4-46               THENCE with a curve turning to the right with an arc  
4-47 length of 610.49', having a radius of 2000.00', a chord which bears  
4-48 S 59deg55'12" E, a chord length of 608.12';

4-49               THENCE S 51deg10'31" E, a distance of 411.07' to a point  
4-50 for corner;

4-51               THENCE with a curve turning to the left with an arc  
4-52 length of 158.92', having a radius of 2000.00', a chord which bears  
4-53 S 53deg27'06" E, a chord length of 158.88';

4-54               THENCE S 26deg58'13" W, a distance of 188.08' to a point  
4-55 for corner

4-56               THENCE with a curve turning to the left with an arc  
4-57 length of 1228.20', having a radius of 2800.00', a chord which bears  
4-58 S 14deg24'14" W, a chord length of 1218.38';

4-59               THENCE S 86deg11'28" E, a distance of 215.01' to a point  
4-60 for corner

4-61               THENCE with a curve turning to the right with an arc  
4-62 length of 1128.40', having a radius of 1400.00', a chord which bears  
4-63 S 63deg06'03" E, a chord length of 1098.11';

4-64               THENCE with a compound curve turning to the right with  
4-65 an arc length of 1073.28', having a radius of 1400.00', a chord  
4-66 which bears S 18deg02'54" E, a chord length of 1047.19';

4-67               THENCE S 03deg54'50" W, a distance of 607.93' to a point  
4-68 for corner

4-69               THENCE N 89deg47'45" E, a distance of 1008.22' to a

5-1 point for corner  
 5-2           THENCE S 08deg13'31" E, a distance of 1330.08' to a  
 5-3 point for corner  
 5-4           THENCE S 10deg42'18" E, a distance of 566.69' to a point  
 5-5 for corner  
 5-6           THENCE S 33deg15'32" W, a distance of 378.47' to a point  
 5-7 for corner  
 5-8           THENCE S 02deg10'05" E, a distance of 196.50' to a point for  
 5-9 corner in the northerly Right of Way of FM 1488;  
 5-10          THENCE S 87 deg. 27' 46" W along the northerly line of FM  
 5-11 1488, a distance of 467.88 feet to a 5/8" iron rod set along the  
 5-12 northerly Right of Way of FM 1488;  
 5-13          THENCE along a curve to the left having a radius of 1975.31  
 5-14 feet, a chord that bears S 81 deg. 30' 29" W, a distance of 408.03  
 5-15 feet along the northerly line of FM 1488, to a 5/8" iron rod set for  
 5-16 an angle point of the herein described tract;  
 5-17          THENCE S 86 deg 29' 45" W, a distance of 194.36 feet to the  
 5-18 POINT OF BEGINNING, and containing 622.88 acres of land, more or  
 5-19 less.  
 5-20          SECTION 3. (a) The legal notice of the intention to  
 5-21 introduce this Act, setting forth the general substance of this  
 5-22 Act, has been published as provided by law, and the notice and a  
 5-23 copy of this Act have been furnished to all persons, agencies,  
 5-24 officials, or entities to which they are required to be furnished  
 5-25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 5-26 Government Code.  
 5-27          (b) The governor, one of the required recipients, has  
 5-28 submitted the notice and Act to the Texas Commission on  
 5-29 Environmental Quality.  
 5-30          (c) The Texas Commission on Environmental Quality has filed  
 5-31 its recommendations relating to this Act with the governor, the  
 5-32 lieutenant governor, and the speaker of the house of  
 5-33 representatives within the required time.  
 5-34          (d) All requirements of the constitution and laws of this  
 5-35 state and the rules and procedures of the legislature with respect  
 5-36 to the notice, introduction, and passage of this Act are fulfilled  
 5-37 and accomplished.  
 5-38          SECTION 4. (a) If this Act does not receive a two-thirds  
 5-39 vote of all the members elected to each house, Subchapter C, Chapter  
 5-40 7920, Special District Local Laws Code, as added by Section 1 of  
 5-41 this Act, is amended by adding Section 7920.106 to read as follows:  
 5-42          Sec. 7920.106. NO EMINENT DOMAIN POWER. The district may  
 5-43 not exercise the power of eminent domain.  
 5-44          (b) This section is not intended to be an expression of a  
 5-45 legislative interpretation of the requirements of Section 17(c),  
 5-46 Article I, Texas Constitution.  
 5-47          SECTION 5. This Act takes effect immediately if it receives  
 5-48 a vote of two-thirds of all the members elected to each house, as  
 5-49 provided by Section 39, Article III, Texas Constitution. If this  
 5-50 Act does not receive the vote necessary for immediate effect, this  
 5-51 Act takes effect September 1, 2015.

5-52

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