

By: Stephenson

H.B. No. 4141

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 191; 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 7914 to read as follows:

CHAPTER 7914. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 191

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7914.001. 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 Fort Bend County Municipal Utility District No. 191.

Sec. 7914.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7914.003. 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. 7914.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7914.003
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. 7914.005. 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. 7914.006. 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. 7914.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7914.052, directors serve
6 staggered four-year terms.

7 Sec. 7914.052. 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 7914.003; 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 7914.003 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 7914.003; 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. 7914.101. 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. 7914.102. 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. 7914.103. 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. 7914.104. 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. 7914.105. 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. 7914.151. 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 7914.153.

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. 7914.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 7914.151, 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. 7914.153. 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. 7914.201. 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. 7914.202. 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. 7914.203. 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 Fort Bend County Municipal Utility District
9 No. 191 initially includes all the territory contained in the
10 following area:

11 BEING A 505.0088 ACRE TRACT OF LAND, SITUATED IN THE WILLIAM
12 PETTUS SURVEY, A-68, FORT BEND COUNTY, TEXAS, BEING PART OF THE DMD
13 INTERESTS CALLED 370.94 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN
14 FORT BEND COUNTY CLERKS FILE NO. 9808907, AND A PORTION OF THE
15 MILDRED ELLIS CALLED 128.736 ACRE TRACT AS DESCRIBED IN DEED
16 RECORDED IN FORT BEND COUNTY CLERKS FILE NO. 1972325075; SAID
17 505.0088 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
18 BOUNDS AS FOLLOWS;

19 BEGINNING AT A 5/8 INCH IRON ROD SET, BEING THE SOUTHEAST
20 CORNER OF SAID 491.55 ACRE TRACT, BEING IN THE WEST RIGHT-OF-WAY
21 LINE OF A MISSOURI-PACIFIC RAIROAD TRACT (ABANDONED 100 FOOT
22 RIGHT-OF-WAY) AND THE NORTH LINE OF A CALLED 116.07 ACRE TRACT
23 DESCRIBED IN DEED RECORDED IN FORT BEND COUNTY CLERKS FILE NO.
24 2007085339;

25 THENCE NORTH 88 DEGREES 56 MINUTES 48 SECONDS WEST, ALONG THE
26 SOUTH LINE OF SAID 491.55 ACRE TRACT, A DISTANCE OF 7232.89 FEET TO
27 A FOUND CONCRETE MONUMENT FOR AN INTERIOR CORNER IN THE NORTH LINE

1 OF SAID 116.07 ACRE TRACT AND A WEST LINE OF SAID 370.94 ACRE TRACT
2 FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED
3 TRACT;

4 THENCE NORTH 00 DEGREES 22 MINUTES 23 SECONDS EAST, ALONG THE
5 EAST LINE OF SAID 116.07 ACRE TRACT, THE EAST LINE OF A CALLED
6 305.661 ACRE TRACT DESCRIBED IN DEED RECORDED IN FORT BEND COUNTY
7 CLERKS FILE NO. 2005117863, SAME BEING A WEST LINE OF SAID 370.94
8 ACRE TRACT, A DISTANCE OF 467.75 FEET TO A SET 5/8 INCH IRON ROD FOR
9 THE MOST EASTERLY NORTHEAST CORNER OF SAID 305.661 ACRE TRACT AND AN
10 INTERIOR CORNER OF SAID 370.94 ACRE TRACT AND THE HEREIN DESCRIBED
11 TRACT;

12 THENCE NORTH 71 DEGREES 51 MINUTES 25 SECONDS WEST, ALONG THE
13 COMMON LINE OF SAID 305.661 ACRE AND 370.94 ACRE TRACTS, A DISTANCE
14 OF 23.00 FEET TO A SET 5/8 INCH IRON ROD FOR AN INTERIOR CORNER OF
15 THE HEREIN DESCRIBED TRACT;

16 THENCE SOUTH 87 DEGREES 06 MINUTES 22 SECONDS WEST,
17 CONTINUING ALONG THE COMMON LINE OF SAID 305.661 ACRE AND 370.94
18 ACRE TRACTS, A DISTANCE OF 2955.55 FEET TO A FOUND CONCRETE MONUMENT
19 FOR AN INTERIOR CORNER OF SAID 305.661 ACRE TRACT AND THE MOST
20 WESTERLY SOUTHWEST CORNER OF THE SAID 370.94 ACRE TRACT AND THE
21 HEREIN DESCRIBED TRACT;

22 THENCE NORTH 03 DEGREES 12 MINUTES 38 SECONDS WEST,
23 CONTINUING ALONG THE COMMON LINE OF SAID 305.661 ACRE AND 370.94
24 ACRE TRACTS AND ALONG THE EAST LINE OF A CALLED 58.866 ACRE TRACT
25 DESCRIBED IN DEED RECORDED IN FORT BEND COUNTY CLERKS FILE NO.
26 1972325075, A DISTANCE OF 1755.62 FEET TO A 2 INCH IRON PIPE FOUND
27 IN THE SOUTH LINE OF THE SIENNA PLANTATION LEVEE IMPROVEMENT

1 DISTRICT TRACT DESCRIBED IN FORT BEND COUNTY CLERKS FILE NO.
2 9741281 AND BEING FOR THE NORTHEAST CORNER OF SAID 305.661 ACRE
3 TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 58.866 ACRE TRACT AND
4 THE HEREIN DESCRIBED TRACT;

5 THENCE NORTH 87 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE
6 SOUTH LINE OF SAID SIENNA PLANTATION LEVEE IMPROVEMENT DISTRICT
7 TRACT, SAME BEING THE NORTH LINE OF SAID 58.866 ACRE TRACT, A
8 DISTANCE OF 2691.85 FEET TO A FOUND 1 & 1/4 INCH IRON PIPE FOUND IN
9 THE WEST LINE OF UNION PACIFIC RAILROAD TRACT (ABANDONED 100 FOOT
10 RIGHT-OF-WAY) FOR AN ANGLE POINT IN THE NORTH LINE OF THE HEREIN
11 DESCRIBED TRACT;

12 THENCE NORTH 87 DEGREES 21 MINUTES 55 SECONDS EAST, ALONG THE
13 SOUTH LINE OF RESERVE "F", SIENNA POINT, SECTION 3, ACCORDING TO THE
14 PLAT THEREOF RECORDED IN SLIDE NO. 1795B OF THE FORT BEND COUNTY
15 PLAT RECORDS, A DISTANCE OF 106.00 FEET TO A FOUND 1 & 1/4 INCH IRON
16 PIPE FOR AN ANGLE POINT IN THE NORTH LINE OF THE HEREIN DESCRIBED
17 TRACT;

18 THENCE NORTH 87 DEGREES 09 MINUTES 44 SECONDS EAST,
19 CONTINUING ALONG THE SOUTH LINE OF SAID RESERVE "F", SIENNA POINT,
20 SECTION 3, RESERVE "A", SIENNA POINT, SECTION 2, ACCORDING TO THE
21 PLAT THEREOF RECORDED IN SLIDE NO. 1682B OF THE FORT BEND COUNTY
22 PLAT RECORDS AND RESERVE "C", SIENNA POINT, SECTION 1, ACCORDING TO
23 THE PLAT THEREOF RECORDED IN SLIDE NO. 1528B OF THE FORT BEND COUNTY
24 PLAT RECORDS, SAME BEING THE NORTH LINE OF SAID 128.736 ACRE TRACT,
25 A DISTANCE OF 6596.86 FEET TO A SET 5/8 INCH IRON ROD FOR THE
26 NORTHEAST CORNER OF SAID 128.736 ACRE TRACT AND THE MOST NORTHERLY
27 NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

1 THENCE SOUTH 02 DEGREES 33 MINUTES 12 SECONDS WEST, ALONG A
2 PORTION OF THE EAST LINE OF SAID 128.736 ACRE TRACT, THE WEST LINE
3 OF A CALLED 15 ACRE TRACT DESCRIBED IN FORT BEND COUNTY CLERKS FILE
4 NO. 2007142863, A DISTANCE OF 640.60 FEET TO A SET 5/8 INCH IRON ROD
5 THE NORTHEAST CORNER OF A CALLED 0.674 ACRE TRACT DESCRIBED IN DEED
6 RECORDED IN VOLUME 1571, PAGE 606 OF THE DEED RECORDS OF FORT BEND
7 COUNTY FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

8 THENCE SOUTH 86 DEGREES 47 MINUTES 58 SECONDS WEST, ALONG THE
9 NORTH LINE OF SAID 0.674 ACRE TRACT, A DISTANCE OF 18.82 FEET TO A
10 SET 5/8 INCH IRON ROD FOR THE NORTHWEST CORNER OF SAID 0.674 ACRE
11 TRACT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

12 THENCE SOUTH 00 DEGREES 50 MINUTES 09 SECONDS WEST, ALONG THE
13 WEST LINE OF SAID 0.674 ACRE TRACT, A DISTANCE OF 431.96 FEET TO A
14 SET 5/8 INCH IRON ROD FOR THE SOUTHWEST CORNER OF SAID 0.674 ACRE
15 TRACT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

16 THENCE NORTH 86 DEGREES 11 MINUTES 13 SECONDS EAST, ALONG THE
17 SOUTH LINE OF SAID 0.674 ACRE TRACT, A DISTANCE OF 1049.50 FEET TO A
18 SET 5/8 INCH IRON ROD FOR THE SOUTHEAST CORNER OF SAID 0.674 ACRE
19 TRACT, BEING IN THE WEST LINE OF SAID MISSOURI-PACIFIC RAILROAD
20 TRACT AND BEING THE MOST EASTERLY NORTHEAST CORNER OF THE HEREIN
21 DESCRIBED TRACT;

22 THENCE SOUTH 02 DEGREES 35 MINUTES 40 SECONDS WEST, ALONG THE
23 WEST LINE OF SAID MISSOURI-PACIFIC RAILROAD TRACT, A DISTANCE OF
24 1680.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 505.0088
25 ACRES (21,998,182 SQUARE FEET) OF LAND, MORE OR LESS.

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor, one of the required recipients, has
7 submitted the notice and Act to the Texas Commission on
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this Act with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this Act are fulfilled
16 and accomplished.

17 SECTION 4. (a) If this Act does not receive a two-thirds
18 vote of all the members elected to each house, Subchapter C, Chapter
19 7914, Special District Local Laws Code, as added by Section 1 of
20 this Act, is amended by adding Section 7914.106 to read as follows:

21 Sec. 7914.106. NO EMINENT DOMAIN POWER. The district may
22 not exercise the power of eminent domain.

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

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.