

By: Zerwas

H.B. No. 4171

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 219; 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 7922 to read as follows:

CHAPTER 7922. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 219

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7922.001. 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. 219.

Sec. 7922.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7922.003. 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. 7922.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7922.003
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. 7922.005. 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. 7922.006. 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. 7922.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7922.052, directors serve
6 staggered four-year terms.

7 Sec. 7922.052. 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 7922.003; 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 7922.003 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 7922.003; 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. 7922.101. 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. 7922.102. 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. 7922.103. 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. 7922.104. 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. 7922.105. 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. 7922.151. 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 7922.153.

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. 7922.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 7922.151, 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. 7922.153. 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. 7922.201. 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. 7922.202. 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. 7922.203. 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. 219 initially includes all the territory contained in the
10 following area:

11 434.541 Acres of Land, being out of the Rich/Gerner Joint
12 Venture Tract (Volume 1645, Page 762 and 771 of the Official Records
13 of Fort Bend County, Texas), being 191.354 Acres, more or less, in
14 the William Andrews League, Abstract 3 and 243.187 Acres, more or
15 less, in the Samuel Isaacs League, Abstract 35, Fort Bend County,
16 Texas.

17 Beginning at a 5/8 inch capped iron rod set on the East side
18 of a 20 inch Dead Elm Tree Stump marking the East line of said
19 William Andrews League, Abstract 3 and in the West line of the
20 Samuel Isaacs League, Abstract 35; said corner marking the
21 Southwest corner of the original Wessendorff Cattle Company call
22 353.9 Acre Tract ; said corner being a re-entrant corner of and the
23 *Place of Beginning* for this tract;

24 THENCE, South 76deg.34'10" East, along a fence line, 722.0
25 feet to a 5/8 inch capped iron rod set for angle point;

26 THENCE, South 85deg.43'40" East, along a fence line, 1138.92
27 feet to a 5/8 inch capped iron rod set for angle point;

1 THENCE, South 62deg.10'45" East, along a fence line, 2465.24
2 feet to a 5/8 inch ironrod found marking the Southerly Northeast
3 corner of this tract;

4 THENCE, South 00deg.15'10" West, along a fence line, 983.2
5 feet to a 7/8 inch iron pipe found marking the Easterly Southeast
6 corner of this tract;

7 THENCE, West, along the remains of an old fence line, at
8 1612.76 feet pass a 5/8 inch capped iron rod set, in all 1690.18
9 feet to a point on the centerline of Jones Creek for corner;

10 THENCE, Southerly and Westerly along the centerline of Jones
11 Creek with the following courses and distances: South 25deg.42'30"
12 East, 65.54 feet to a point for angle; South 05deg.33'10" East, 66.3
13 feet to a point for angle; South 01deg.28'10" West, 281.0 feet to a
14 point for angle; South 00deg.53'10" East, 281.9 feet to a point for
15 angle; South 01deg.23'10" West, 300.3 feet to a point for angle;
16 South 25deg.56' West, 223.92 feet to a point for angle; South
17 28deg.41'56" West, 74.64 feet to a point for angle; South
18 42deg.51'40" West, 158.01 feet to a point for angle; South
19 59deg.13'30" West, 314.29 feet to a point for angle; South
20 83deg.40'10" West, 199.21 feet to a point for angle; North
21 85deg.52'10" West, 242.08 feet to a point for angle; North
22 65deg.06'40" West, 404.61 feet to a point for angle; North
23 66deg.13'50" West, 288.86 feet to a point for angle; North
24 68deg.29'40" West, 276.58 feet to a point for angle; North
25 76deg.44'10" West, 329.15 feet to a point for angle; North
26 84deg.50'13" West, at 185.47 feet pass said League Line, in all
27 217.53 feet to point for angle; South 74deg.09'50" West, 240.65

1 feet to a point for angle; South 72deg.34' West, 288.63 feet to a
2 point for angle; South 66deg.01' West, 358.92 feet to a point for
3 angle; South 55deg.39'35" West, 247.4 feet to a point for angle;
4 South 39deg.03'20" West, 173.21 feet to a point for angle; South
5 41deg.49'10" West, 179.19 feet to a point for angle; South
6 37deg.11'32" West, 40.32 feet to a point for the most Southerly
7 South corner of this tract;

8 THENCE, North 61deg.55'43" West, leaving said Jones Creek,
9 and along the centerline of a Drainage Ditch, 116.46 feet to a
10 point for angle;

11 THENCE, continuing Northwesterly along the centerline of
12 said Drainage Ditch with the following courses and distances: North
13 28deg.40'03" West, 71.03 feet to a point for angle; North
14 36deg.45'31" West, 104.1 feet to a point for angle; North
15 34deg.34'37" West, 217.76 feet to a 1/2 inch iron pipe found for
16 angle; South 55deg.56'57" West, 66.86 feet to a 1/2 inch iron pipe
17 found for angle; North 55deg.14'54" West, 87.37 feet to a 1/2 inch
18 iron pipe found for angle; North 27deg.56'22" West, 61.11 feet to a
19 1/2 inch iron pipe found for angle; North 38deg.36'05" West, 224.52
20 feet to a 1/2 inch iron pipe found for angle; North 79deg.00'35"
21 West, 100.44 feet to a capped 1/2 inch iron rod found for angle;

22 THENCE, North 00deg.07'56" West, leaving said Ditch, 196.65
23 feet to a 1/2 inch iron pipe found for corner;

24 THENCE, South 89deg.53'10" East, along a fence line, 360.59
25 feet to a 5/8 inch capped iron rod set for corner;

26 THENCE, North 00deg.58'40" West, along a fence line 747.67
27 feet to a 5/8 inch capped iron rod set marking a re-entrant corner

1 of this tract; said corner also marks the Northeast corner of the
2 original John Rosenbush Tract recorded in Volume 352, Page 184 of
3 the Deed Records;

4 THENCE, South 89deg.46'50" West, along a fence line, 1505.0
5 feet to a 5/8 inch capped iron rod set at corner post marking the
6 Westerly Southwest corner of this tract;

7 THENCE, North 00deg.13'55" East, along the East right-of-way
8 line of State Farm Market Road No. 723, 896.28 feet to a 5/8 inch
9 capped iron rod set at corner post marking the Westerly Northwest
10 corner of this tract;

11 THENCE, South 89deg.37'28" East, along a fence line,
12 1557.35 feet to a 1/2 inch iron pipe found marking another
13 re-entrant corner of this tract;

14 THENCE, North 01deg.23'12" East, 535.35 feet to a point on
15 the centerline of said Jones Creek for corner;

16 THENCE, Northerly, along the centerline of Jones Creek with
17 the following courses and distances: North 37deg.30'33" West, 64.68
18 feet to a point for angle; North 16deg.41'40" West, 114.0 feet to a
19 point for angle; North 01deg.50'20" East, 110.6 feet to a point for
20 angle; North 19deg.50'20" East, 105.0 feet to a point for angle;
21 North 33deg.40'20" East, 128.8 feet to a point for angle; North
22 45deg.11'20" East, 146.7 feet to a point for angle; North
23 54deg.41'20" East, 164.5 feet to a point for angle; North
24 59deg.48'20" East. 355.8 feet to a point for angle; North
25 49deg.11'20" East, 194.18 feet to a point for angle; North
26 38deg.48'20" East, 74.2 feet to a point on the centerline of Andrus
27 Branch to a point for angle; North 38deg.46'20" East, 63.53 feet to

1 a point for angle; North 20deg.48'22" East, 133.2 feet to a point
2 for angle; North 18deg.33'20" East, 209.1 feet to a point for angle;
3 North 13deg.42'20" East, 264.9 feet to a point for angle; North
4 06deg.32'20" East, 451.7 feet to a point for angle; North
5 12deg.04'20" East, 318.4 feet to a point for angle; North
6 23deg.49'20" East, 130.3 feet to a point for angle; North
7 36deg.43'20" East, 240.1 feet to a point for angle; North
8 33deg.04'40" East, 372.7 feet to a point for angle; North
9 44deg.20'20" East, 156.2 feet to a point marking the North corner of
10 this tract;

11 THENCE, South, along the East line of said William Andrews
12 League, Abstract 3 and West line of the Samuel Isaacs League,
13 Abstract 35, at 267.62 feet pass a railroad spike set in the North
14 side of an 18 inch diameter Pecan Tree, along a fence line, in all
15 1987.49 feet to the place of beginning and containing 434.541 Acres
16 of Land, more or less.

17 SECTION 3. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

8 SECTION 4. (a) If this Act does not receive a two-thirds
9 vote of all the members elected to each house, Subchapter C, Chapter
10 7922, Special District Local Laws Code, as added by Section 1 of
11 this Act, is amended by adding Section 7922.106 to read as follows:

12 Sec. 7922.106. NO EMINENT DOMAIN POWER. The district may
13 not exercise the power of eminent domain.

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

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