

By: Reynolds

H.B. No. 4174

Substitute the following for H.B. No. 4174:

By: Martinez Fischer

C.S.H.B. No. 4174

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of a defined area in the Fort Bend County
3 Water Control and Improvement District No. 2; providing authority
4 to issue bonds; providing authority to impose assessments, fees,
5 and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Chapter 312, Acts of the 57th Legislature,
8 Regular Session, 1961, is amended by adding Sections 9 through 22 to
9 read as follows:

10 Sec. 9. DEFINED AREA: CREATION OF DEFINED AREA;
11 DESIGNATION. (a) A defined area is created in the district.

12 (b) The defined area is designated to pay for improvements,
13 facilities, or services that primarily benefit the defined area and
14 do not generally benefit the district as a whole.

15 Sec. 10. DEFINED AREA: INITIAL TERRITORY. (a) The defined
16 area is initially composed of the territory described by Section 2
17 of the Act enacting this section.

18 (b) The boundaries and field notes contained in Section 2 of
19 the Act enacting this section form a closure. A mistake made in the
20 field notes or in copying the field notes in the legislative process
21 does not affect:

22 (1) the defined area's organization, existence, or
23 validity;

24 (2) the district's right to issue any type of bond or

1 obligation for the purposes for which the defined area is
2 designated, including to pay the principal of and interest on a
3 bond;

4 (3) the district's right to impose or collect a tax in
5 the defined area; or

6 (4) the legality or operation of the defined area or
7 the district.

8 Sec. 11. DEFINED AREA: EXCLUSION OF LAND. Subject to the
9 City of Stafford providing written consent by ordinance or
10 resolution, the district may exclude land from the defined area in
11 the same manner as the district may exclude land from the district.

12 Sec. 12. DEFINED AREA: PROCEDURE FOR ELECTION. (a) Before
13 the district may impose an ad valorem tax or issue bonds payable
14 from ad valorem taxes of the defined area described by Section 9,
15 the governing body of the district shall call and hold an election
16 in the defined area only.

17 (b) The governing body of the district may submit the
18 proposition to the voters on the same ballot to be used in another
19 election.

20 Sec. 13. DEFINED AREA: TAXES FOR SERVICES, IMPROVEMENTS,
21 AND FACILITIES. On approval of the qualified voters in the defined
22 area, the district may apply separately, differently, equitably,
23 and specifically its taxing power and lien authority to the defined
24 area to provide money to construct, administer, maintain, and
25 operate services, improvements, and facilities that primarily
26 benefit the defined area.

27 Sec. 14. DEFINED AREA: ISSUANCE OF BONDS. On approval of

1 the qualified voters in the defined area, the district may issue
2 bonds to provide for any land, improvements, facilities, plants,
3 equipment, and appliances for the defined area.

4 Sec. 15. DEFINED AREA: POWERS AND DUTIES. (a) For the
5 benefit of the defined area, the district has the powers and duties
6 provided by the general law of this state necessary to accomplish
7 the purposes of:

8 (1) Section 59, Article XVI, Texas Constitution;

9 (2) Section 52, Article III, Texas Constitution,
10 applicable to the construction, acquisition, improvement,
11 operation, or maintenance of macadamized, graveled, or paved roads,
12 or improvements, including storm drainage, in aid of those roads;
13 and

14 (3) except as provided by this chapter, Chapters 49
15 and 51, Water Code, applicable to water control and improvement
16 districts created under Section 59, Article XVI, Texas
17 Constitution.

18 (b) Except as provided by Subsection (c), the governing body
19 of the district shall administer the defined area as provided by
20 Chapter 51, Water Code.

21 (c) Sections 51.518, 51.519, 51.520, 51.521, 51.522,
22 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do
23 not apply to the district.

24 Sec. 16. DEFINED AREA: AUTHORITY FOR ROAD PROJECTS. Under
25 Section 52, Article III, Texas Constitution, for the benefit of the
26 defined area, the district may design, acquire, construct, finance,
27 issue bonds for, improve, operate, maintain, and convey to this

1 state, a county, or a municipality for operation and maintenance
2 macadamized, graveled, or paved roads, or improvements, including
3 storm drainage, in aid of those roads, including roads located
4 outside the boundaries of the defined area that benefit the defined
5 area.

6 Sec. 17. DEFINED AREA: ROAD STANDARDS AND REQUIREMENTS. A
7 road project must meet all applicable construction standards,
8 zoning and subdivision requirements, and regulations of each
9 municipality in whose corporate limits or extraterritorial
10 jurisdiction the road project is located.

11 Sec. 18. DEFINED AREA: IMPROVEMENT PROJECTS AND SERVICES.
12 For the benefit of the defined area, the district may provide,
13 design, construct, acquire, improve, relocate, operate, maintain,
14 or finance an improvement project or service using any money
15 available to the district, or contract with a governmental or
16 private entity to provide, design, construct, acquire, improve,
17 relocate, operate, maintain, or finance an improvement project or
18 service authorized under this chapter.

19 Sec. 19. DEFINED AREA: ELECTIONS REGARDING TAXES AND
20 BONDS. (a) For the benefit of the defined area, the district may
21 issue, without an election, bonds, notes, and other obligations
22 secured by revenue other than ad valorem taxes.

23 (b) The district must hold an election in the defined area
24 to obtain approval of the qualified voters of the defined area
25 before the district may impose an ad valorem tax or issue bonds
26 payable from ad valorem taxes in the defined area.

27 (c) An election under this section does not require that an

1 election be held in the part of the district located outside the
2 defined area.

3 (d) All or any part of any facilities or improvements that
4 may be acquired by a district by the issuance of its bonds may be
5 submitted as a single proposition or as several propositions to be
6 voted on at the election.

7 Sec. 20. DEFINED AREA: OPERATION AND MAINTENANCE TAX.

8 (a) If authorized by a majority of the voters in the defined area
9 voting at an election held in accordance with Section 19, the
10 district may impose an operation and maintenance tax on taxable
11 property in the defined area in accordance with Section 49.107,
12 Water Code, for any district purpose, including to:

- 13 (1) maintain and operate the defined area;
14 (2) construct or acquire improvements; or
15 (3) provide a service.

16 (b) The governing body of the district shall determine the
17 tax rate. The rate may not exceed the rate approved at the
18 election.

19 (c) Section 49.107(h), Water Code, does not apply to the
20 district.

21 Sec. 21. DEFINED AREA: AUTHORITY TO BORROW MONEY AND TO
22 ISSUE BONDS AND OTHER OBLIGATIONS. (a) For the benefit of the
23 defined area, the district may borrow money on terms determined by
24 the governing body of the district.

25 (b) The district may issue bonds, notes, or other
26 obligations payable wholly or partly from ad valorem taxes, impact
27 fees, revenue, grants, or other district money, or any combination

1 of those sources of money from the defined area, to pay for any
2 authorized district purpose.

3 (c) The limitation on the outstanding principal amount of
4 bonds, notes, and other obligations provided by Section 49.4645,
5 Water Code, does not apply to the district.

6 (d) The district must obtain approval from the Texas
7 Commission on Environmental Quality as provided by Chapter 49,
8 Water Code, before the district issues bonds to provide water,
9 sewer, or drainage facilities for the benefit of the defined area.

10 Sec. 22. DEFINED AREA: TAXES FOR BONDS. At the time the
11 district issues bonds payable wholly or partly from ad valorem
12 taxes from the defined area, the governing body of the district
13 shall provide for the annual imposition of a continuing direct
14 annual ad valorem tax, without limit as to rate or amount, for each
15 year that all or part of the bonds are outstanding as required and
16 in the manner provided by Sections 51.433 and 51.436, Water Code.

17 SECTION 2. The defined area of the Fort Bend County Water
18 Control and Improvement District No. 2 initially includes all
19 territory contained in the following area:

20 SITUATED in the City of Stafford, Texas and in the Thomas J.
21 Nichols Survey, Abstract No. 296 and the James Alston Survey,
22 Abstract No. 101 of Fort Bend County, Texas and being all of RESERVE
23 A and RESERVE B of TEXAS INSTRUMENTS, an addition to the City of
24 Stafford, according to the Final Plat thereof, recorded under Plat
25 No. 20130165 of the Plat Records of Fort Bend County, Texas and said
26 RESERVE A being part of that certain called 193.3692 acre tract of
27 land described as "Tract No. 1" in a deed recorded in Volume 450,

1 Page 467 of the Deed Records of Fort Bend County, Texas (DRFBCT) and
2 part of that certain called 9.2730 acre tract of land described as
3 "Tract A" and also part of that certain called 15.2574 acre tract of
4 land described as "Tract B" in a deed recorded in Volume 460, Page
5 202, DRFBCT and RESERVE B being part of that certain called 7.6923
6 acre tract of land described as "Tract No. 2" in the above described
7 deed recorded in Volume 450, Page 467, DRFBCT and also included is
8 all of that 35 foot strip of land lying between RESERVE A and
9 RESERVE B as described in a deed to Texas Instruments Incorporated,
10 recorded in Volume 561, Page 201, DRFBCT and the consolidation of
11 these three tract of land being more particularly described by
12 metes & bounds as follows:

13 BEGINNING at a 1/2" iron pipe found for the southeast corner
14 of said RESERVE A, on the west right-of-way line of Murphy Road
15 (120' R.O.W.) and said point also being the northeast corner of
16 Greenbrier Southwest Subdivision Section 4 as recorded in Volume
17 23, Page 24 of the Plat Records of Fort Bend County, Texas (PRFBCT)
18 said point also being on the south line of the above referenced
19 15.2574 acre tract;

20 THENCE: South 89 deg. 50 min. 48 sec. West (Reference
21 Bearing), along the south line of said RESERVE A and the above
22 described 15.2574 acre tract and along the north line of said
23 Greenbriar Southwest Subdivision Section 4 as well as the north
24 lines of Greenbrier Southwest Subdivision Section 3, recorded in
25 Volume 22, Page 23, PRFBCT; Greenbrier Southwest Subdivision
26 Section 2, recorded in Volume 11, Page 14, PRFBCT and Greenbrier
27 Southwest Subdivision Section 1, recorded in Volume 9, Page 9,

1 PRFBCT, a distance of 4,779.75 feet to a 1/2" iron pipe found for
2 the most southerly southwest corner of the above described RESERVE
3 A and said point being in the east right-of-way line of Kirkwood
4 Road (variable width R.O.W.) said point also being in a curve having
5 a radius of 1,349.40 feet and a chord that bears North 12 deg. 06
6 min. 47 sec. West - 401.17 feet;

7 THENCE: In a northerly direction along the east line of said
8 Kirkwood Road and with said curve to the left, through a total
9 central angle of 17 deg. 05 min. 50 sec., at an arc distance of
10 304.42 feet, passing a 1/2 inch iron rod, topped with a red plastic
11 cap stamped "RPLS 4701", found for the most westerly southwest
12 corner of said RESERVE A and the southeast corner of the above
13 described 35 foot strip of land and continuing along said curve to
14 the left for a total arc distance of 402.66 feet to a point for
15 corner at the end of said curve;

16 THENCE: North 21 deg. 32 min. 05 sec. West, continuing along
17 the east right-of-way line of said Kirkwood Road, at 10.78 feet,
18 passing a 3/4 inch iron rod found for the southwest corner of said
19 35 foot strip of land and the most southerly corner of the above
20 described RESERVE B and continuing on for a total distance 387.89
21 feet 3/4 inch iron rod found for corner on the southeast
22 right-of-way line of U.S. Highway 59;

23 THENCE: North 19 deg. 54 min. 57 sec. East, along the
24 southeast right-of-way line of said U. S. Highway 59, a distance of
25 58.89 feet to a 3/4 inch iron rod found for corner;

26 THENCE: North 43 deg. 59 min. 43 sec. East, continuing along
27 the southeast right-of-way line of said U.S. Highway 59, a distance

1 of 168.94 feet to a 3/4 inch iron rod found for the northerly corner
2 of said RESERVE B and same being the northwest corner of said 35
3 foot strip of land;

4 THENCE: North 43 deg. 59 min. 43 sec. East, continuing along
5 the southeast right-of-way line of said U.S. Highway 59 and across
6 said 35 foot strip of land, a distance of 50.34 feet to a 3/4 inch
7 iron rod found for the northeast corner of said 35 foot strip of
8 land and the most westerly northwest corner of said RESERVE A;

9 THENCE: in a northeasterly direction with the common line of
10 said RESERVE A and said U.S. Highway 59 as follows:

11 North 44 deg. 17 min. 43 sec. East, a distance of 15.54
12 feet to a 3/4 inch iron rod found for corner;

13 North 45 deg. 24 min. 47 sec. East, a distance of 400.27
14 feet to a 3/4 inch iron rod found for corner;

15 North 43 deg. 57 min. 06 sec. East, a distance of
16 1,149.58 feet to a 3/4 inch iron rod found for corner;

17 North 47 deg. 35 min. 26 sec. East, a distance of 390.48
18 feet to a aluminum right-of-way monument found for corner;

19 North 44 deg. 03 min. 15 sec. East, a distance of 160.95
20 feet to a 3/4 inch iron rod found for corner;

21 North 88 deg. 51 min. 59 sec. East, a distance of 42.50
22 feet to a 3/4 inch iron rod found for corner;

23 South 46 deg. 06 min. 09 sec. East, a distance of 102.61
24 feet to a aluminum right-of-way monument found for corner;

25 South 52 deg. 58 min. 30 sec. East, a distance of 59.54
26 feet to a 3/4 inch iron rod found for corner;

27 South 52 deg. 31 min. 08 sec. East, a distance of 21.27

1 feet to a 5/8 inch iron rod found for corner in the south
2 right-of-way line of Airport Boulevard (100' R.O.W.) said
3 point also being in a curve to the left, having a radius of
4 2,914.79 feet and a chord that bears South 68 deg. 05 min. 46
5 sec. East - 2,190.07 feet;

6 THENCE: in a southeasterly direction with the northern line
7 of said RESERVE A and the south right-of-way line of said Airport
8 Boulevard, with said curve to the left, through a central angle of
9 44 deg. 07 min. 59 sec. and along an arc distance of 2,245.17 feet to
10 a 1/2" iron pipe found for corner at the end of said curve;

11 THENCE: North 89 deg. 49 min. 22 sec. East, continuing along
12 the common line of said RESERVE A and Airport Boulevard, a distance
13 of 1,125.05 feet to a 1/2 inch iron rod found for the northeast
14 corner of said RESERVE A on the west right-of-way line of Murphy
15 Road said point also being in a curve to the right, having a radius
16 of 22,858.33 feet and a chord that bears South 00 deg. 15 min. 52
17 sec. East - 136.21 feet;

18 THENCE: in a southerly direction, with the east line of said
19 RESERVE A and the west right-of-way line of said Murphy Road, along
20 said curve to the right, through a central angle of 00 deg. 20 min.
21 29 sec. and along an arc distance of 136.21 feet to a 1/2 inch iron
22 rod found for corner at the end of said curve;

23 THENCE: South 00 deg. 03 min. 31 sec. East, continuing along
24 the common line of said RESERVE A and Murphy Road, a distance of
25 1,383.31 feet to the POINT OF BEGINNING and containing 8,373,627
26 square feet or 192.232 acres of land.

27 SECTION 3. The Fort Bend County Water Control and

1 Improvement District No. 2 retains all the rights, powers,
2 privileges, authority, duties, and functions that it had before the
3 effective date of this Act.

4 SECTION 4. (a) The legislature validates and confirms all
5 acts and proceedings of the Fort Bend County Water Control and
6 Improvement District No. 2 that were taken before the effective
7 date of this Act.

8 (b) Subsection (a) of this section does not apply to any
9 matter that on the effective date of this Act:

10 (1) is involved in litigation if the litigation
11 ultimately results in the matter being held invalid by a final
12 judgment of a court; or

13 (2) has been held invalid by a final judgment of a
14 court.

15 SECTION 5. (a) The legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
21 Government Code.

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 6. 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.