

By: Reynolds

H.B. No. 4174

A BILL TO BE ENTITLED

AN ACT

1
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 8 through 27 to
9 read as follows:

10 Sec. 8. 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. 9. 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. 10. DEFINED AREA: ANNEXATION OR EXCLUSION OF LAND.

9 (a) The district may annex land to the defined area in the same
10 manner as the district may annex land to the district.

11 (b) The district may exclude land from the defined area in
12 the same manner as the district may exclude land from the district.

13 Sec. 11. DEFINED AREA: PROCEDURE FOR ELECTION. (a) Before
14 the district may impose an ad valorem tax or issue bonds payable
15 from ad valorem taxes of the defined area described by Section 8,
16 the governing body of the district shall call and hold an election
17 in the defined area only.

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

21 Sec. 12. DEFINED AREA: TAXES FOR SERVICES, IMPROVEMENTS,
22 AND FACILITIES. On approval of the qualified voters in the defined
23 area, the district may apply separately, differently, equitably,
24 and specifically its taxing power and lien authority to the defined
25 area to provide money to construct, administer, maintain, and
26 operate services, improvements, and facilities that primarily
27 benefit the defined area.

1 Sec. 13. DEFINED AREA: ISSUANCE OF BONDS. On approval of
2 the qualified voters in the defined area, the district may issue
3 bonds to provide for any land, improvements, facilities, plants,
4 equipment, and appliances for the defined area.

5 Sec. 14. DEFINED AREA: POWERS AND DUTIES. (a) For the
6 benefit of the defined area, the district has the powers and duties
7 provided by the general law of this state, including:

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 (3) Section 52-a, Article III, Texas Constitution;

14 (4) 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; and

18 (5) Chapter 375, Local Government Code, applicable to
19 municipal management districts.

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

23 (c) Sections 51.518, 51.519, 51.520, 51.521, 51.522,
24 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do
25 not apply to the district.

26 Sec. 15. DEFINED AREA: AUTHORITY FOR ROAD PROJECTS. Under
27 Section 52, Article III, Texas Constitution, for the benefit of the

1 defined area, the district may design, acquire, construct, finance,
2 issue bonds for, improve, operate, maintain, and convey to this
3 state, a county, or a municipality for operation and maintenance
4 macadamized, graveled, or paved roads, or improvements, including
5 storm drainage, in aid of those roads, including roads located
6 outside the boundaries of the defined area that benefit the defined
7 area.

8 Sec. 16. DEFINED AREA: ROAD STANDARDS AND REQUIREMENTS. A
9 road project must meet all applicable construction standards,
10 zoning and subdivision requirements, and regulations of each
11 municipality in whose corporate limits or extraterritorial
12 jurisdiction the road project is located.

13 Sec. 17. DEFINED AREA: IMPROVEMENT PROJECTS AND SERVICES.
14 For the benefit of the defined area, the district may provide,
15 design, construct, acquire, improve, relocate, operate, maintain,
16 or finance an improvement project or service using any money
17 available to the district, or contract with a governmental or
18 private entity to provide, design, construct, acquire, improve,
19 relocate, operate, maintain, or finance an improvement project or
20 service authorized under this chapter or Chapter 375, Local
21 Government Code.

22 Sec. 18. DEFINED AREA: ECONOMIC DEVELOPMENT PROGRAMS. (a)
23 For the benefit of the defined area, the district may engage in
24 activities that accomplish the economic development purposes of the
25 district.

26 (b) The district may establish and provide for the
27 administration of one or more programs to promote state or local

1 economic development and to stimulate business and commercial
2 activity in the district, including programs to:

3 (1) make loans and grants of public money; and

4 (2) provide district personnel and services.

5 (c) The district may create economic development programs
6 and exercise the economic development powers provided to
7 municipalities by:

8 (1) Chapter 380, Local Government Code; and

9 (2) Subchapter A, Chapter 1509, Government Code.

10 Sec. 19. DEFINED AREA: PARKING FACILITIES. (a) For the
11 benefit of the defined area, the district may acquire, lease as
12 lessor or lessee, construct, develop, own, operate, and maintain
13 parking facilities or a system of parking facilities, including
14 lots, garages, parking terminals, or other structures or
15 accommodations for parking motor vehicles off the streets and
16 related appurtenances.

17 (b) The district's parking facilities serve the public
18 purposes of the district and are owned, used, and held for a public
19 purpose even if leased or operated by a private entity for a term of
20 years.

21 (c) The district's parking facilities are parts of and
22 necessary components of a street and are considered to be a street
23 or road improvement.

24 (d) The development and operation of the district's parking
25 facilities may be considered an economic development program.

26 Sec. 20. DEFINED AREA: MONEY USED FOR IMPROVEMENTS OR
27 SERVICES. For the benefit of the defined area, the district may

1 acquire, construct, finance, operate, or maintain any improvement
2 or service authorized under this chapter or Chapter 375, Local
3 Government Code, using any money available to the district for the
4 defined area.

5 Sec. 21. DEFINED AREA: PETITION REQUIRED FOR FINANCING
6 SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The governing
7 body of the district may not finance a service or improvement
8 project with assessments under this chapter unless a written
9 petition requesting that service or improvement has been filed with
10 the governing body.

11 (b) A petition filed under Subsection (a) must be signed by
12 the owners of a majority of the assessed value of real property in
13 the defined area subject to assessment according to the most recent
14 certified tax appraisal roll for the county.

15 Sec. 22. DEFINED AREA: ASSESSMENTS; LIENS FOR ASSESSMENTS.
16 (a) The governing body of the district by resolution may impose and
17 collect an assessment for any purpose authorized by this chapter in
18 all or any part of the defined area.

19 (b) An assessment, a reassessment, or an assessment
20 resulting from an addition to or correction of the assessment roll
21 by the district, penalties and interest on an assessment or
22 reassessment, an expense of collection, and reasonable attorney's
23 fees incurred by the district:

24 (1) are a first and prior lien against the property
25 assessed;

26 (2) are superior to any other lien or claim other than
27 a lien or claim for district, county, school district, or municipal

1 ad valorem taxes; and

2 (3) are the personal liability of and a charge against
3 the owners of the property even if the owners are not named in the
4 assessment proceedings.

5 (c) The lien is effective from the date of the governing
6 body's resolution imposing the assessment until the date the
7 assessment is paid. The governing body may enforce the lien in the
8 same manner that the governing body may enforce an ad valorem tax
9 lien against real property.

10 (d) The governing body may make a correction to or deletion
11 from the assessment roll that does not increase the amount of
12 assessment of any parcel of land without providing notice and
13 holding a hearing in the manner required for additional
14 assessments.

15 Sec. 23. DEFINED AREA: ELECTIONS REGARDING TAXES AND
16 BONDS. (a) For the benefit of the defined area, the district may
17 issue, without an election, bonds, notes, and other obligations
18 secured by:

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

20 (2) contract payments described by Section 25.

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

25 (c) An election under this section does not require that an
26 election be held in the part of the district located outside the
27 defined area.

1 (d) Section 375.243, Local Government Code, does not apply
2 to the district.

3 (e) 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. 24. 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 23, 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. 25. DEFINED AREA: CONTRACT TAXES. (a) In accordance
22 with Section 49.108, Water Code, the district may impose a tax other
23 than an operation and maintenance tax and use the revenue derived
24 from the tax to make payments under a contract after the provisions
25 of the contract have been approved by a majority of the voters in
26 the defined area voting at an election held for that purpose.

27 (b) A contract approved by the voters in the defined area

1 may contain a provision stating that the contract may be modified or
2 amended by the governing body without further voter approval.

3 Sec. 26. DEFINED AREA: AUTHORITY TO BORROW MONEY AND TO
4 ISSUE BONDS AND OTHER OBLIGATIONS. (a) For the benefit of the
5 defined area, the district may borrow money on terms determined by
6 the governing body of the district. Section 375.205, Local
7 Government Code, does not apply to a loan, line of credit, or other
8 borrowing from a bank or financial institution secured by revenue
9 other than ad valorem taxes.

10 (b) The district may issue bonds, notes, or other
11 obligations payable wholly or partly from ad valorem taxes,
12 assessments, impact fees, revenue, contract payments, grants, or
13 other district money, or any combination of those sources of money
14 from the defined area, to pay for any authorized district purpose.

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

18 Sec. 27. DEFINED AREA: TAXES FOR BONDS. At the time the
19 district issues bonds payable wholly or partly from ad valorem
20 taxes from the defined area, the governing body of the district
21 shall provide for the annual imposition of a continuing direct
22 annual ad valorem tax, without limit as to rate or amount, for each
23 year that all or part of the bonds are outstanding as required and
24 in the manner provided by Sections 51.433 and 51.436, Water Code.

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

1 SITUATED in the City of Stafford, Texas and in the Thomas J.
2 Nichols Survey, Abstract No. 296 and the James Alston Survey,
3 Abstract No. 101 of Fort Bend County, Texas and being all of RESERVE
4 A and RESERVE B of TEXAS INSTRUMENTS, an addition to the City of
5 Stafford, according to the Final Plat thereof, recorded under Plat
6 No. 20130165 of the Plat Records of Fort Bend County, Texas and said
7 RESERVE A being part of that certain called 193.3692 acre tract of
8 land described as "Tract No. 1" in a deed recorded in Volume 450,
9 Page 467 of the Deed Records of Fort Bend County, Texas (DRFBCT) and
10 part of that certain called 9.2730 acre tract of land described as
11 "Tract A" and also part of that certain called 15.2574 acre tract of
12 land described as "Tract B" in a deed recorded in Volume 460, Page
13 202, DRFBCT and RESERVE B being part of that certain called 7.6923
14 acre tract of land described as "Tract No. 2" in the above described
15 deed recorded in Volume 450, Page 467, DRFBCT and also included is
16 all of that 35 foot strip of land lying between RESERVE A and
17 RESERVE B as described in a deed to Texas Instruments Incorporated,
18 recorded in Volume 561, Page 201, DRFBCT and the consolidation of
19 these three tract of land being more particularly described by
20 metes & bounds as follows:

21 BEGINNING at a 1/2" iron pipe found for the southeast corner
22 of said RESERVE A, on the west right-of-way line of Murphy Road
23 (120' R.O.W.) and said point also being the northeast corner of
24 Greenbrier Southwest Subdivision Section 4 as recorded in Volume
25 23, Page 24 of the Plat Records of Fort Bend County, Texas (PRFBCT)
26 said point also being on the south line of the above referenced
27 15.2574 acre tract;

1 THENCE: South 89 deg. 50 min. 48 sec. West (Reference
2 Bearing), along the south line of said RESERVE A and the above
3 described 15.2574 acre tract and along the north line of said
4 Greenbriar Southwest Subdivision Section 4 as well as the north
5 lines of Greenbrier Southwest Subdivision Section 3, recorded in
6 Volume 22, Page 23, PRFBCT; Greenbrier Southwest Subdivision
7 Section 2, recorded in Volume 11, Page 14, PRFBCT and Greenbrier
8 Southwest Subdivision Section 1, recorded in Volume 9, Page 9,
9 PRFBCT, a distance of 4,779.75 feet to a 1/2" iron pipe found for
10 the most southerly southwest corner of the above described RESERVE
11 A and said point being in the east right-of-way line of Kirkwood
12 Road (variable width R.O.W.) said point also being in a curve having
13 a radius of 1,349.40 feet and a chord that bears North 12 deg. 06
14 min. 47 sec. West - 401.17 feet;

15 THENCE: In a northerly direction along the east line of said
16 Kirkwood Road and with said curve to the left, through a total
17 central angle of 17 deg. 05 min. 50 sec., at an arc distance of
18 304.42 feet, passing a 1/2 inch iron rod, topped with a red plastic
19 cap stamped "RPLS 4701", found for the most westerly southwest
20 corner of said RESERVE A and the southeast corner of the above
21 described 35 foot strip of land and continuing along said curve to
22 the left for a total arc distance of 402.66 feet to a point for
23 corner at the end of said curve;

24 THENCE: North 21 deg. 32 min. 05 sec. West, continuing along
25 the east right-of-way line of said Kirkwood Road, at 10.78 feet,
26 passing a 3/4 inch iron rod found for the southwest corner of said
27 35 foot strip of land and the most southerly corner of the above

1 described RESERVE B and continuing on for a total distance 387.89
2 feet 3/4 inch iron rod found for corner on the southeast
3 right-of-way line of U.S. Highway 59;

4 THENCE: North 19 deg. 54 min. 57 sec. East, along the
5 southeast right-of-way line of said U. S. Highway 59, a distance of
6 58.89 feet to a 3/4 inch iron rod found for corner;

7 THENCE: North 43 deg. 59 min. 43 sec. East, continuing along
8 the southeast right-of-way line of said U.S. Highway 59, a distance
9 of 168.94 feet to a 3/4 inch iron rod found for the northerly corner
10 of said RESERVE B and same being the northwest corner of said 35
11 foot strip of land;

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

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

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

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

23 North 43 deg. 57 min. 06 sec. East, a distance of
24 1,149.58 feet to a 3/4 inch iron rod found for corner;

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

27 North 44 deg. 03 min. 15 sec. East, a distance of 160.95

1 feet to a 3/4 inch iron rod found for corner;
2 North 88 deg. 51 min. 59 sec. East, a distance of 42.50
3 feet to a 3/4 inch iron rod found for corner;
4 South 46 deg. 06 min. 09 sec. East, a distance of 102.61
5 feet to a aluminum right-of-way monument found for corner;
6 South 52 deg. 58 min. 30 sec. East, a distance of 59.54
7 feet to a 3/4 inch iron rod found for corner;
8 South 52 deg. 31 min. 08 sec. East, a distance of 21.27
9 feet to a 5/8 inch iron rod found for corner in the south
10 right-of-way line of Airport Boulevard (100' R.O.W.) said
11 point also being in a curve to the left, having a radius of
12 2,914.79 feet and a chord that bears South 68 deg. 05 min. 46
13 sec. East - 2,190.07 feet;
14 THENCE: in a southeasterly direction with the northern line
15 of said RESERVE A and the south right-of-way line of said Airport
16 Boulevard, with said curve to the left, through a central angle of
17 44 deg. 07 min. 59 sec. and along an arc distance of 2,245.17 feet to
18 a 1/2" iron pipe found for corner at the end of said curve;
19 THENCE: North 89 deg. 49 min. 22 sec. East, continuing along
20 the common line of said RESERVE A and Airport Boulevard, a distance
21 of 1,125.05 feet to a 1/2 inch iron rod found for the northeast
22 corner of said RESERVE A on the west right-of-way line of Murphy
23 Road said point also being in a curve to the right, having a radius
24 of 22,858.33 feet and a chord that bears South 00 deg. 15 min. 52
25 sec. East - 136.21 feet;
26 THENCE: in a southerly direction, with the east line of said
27 RESERVE A and the west right-of-way line of said Murphy Road, along

1 said curve to the right, through a central angle of 00 deg. 20 min.
2 29 sec. and along an arc distance of 136.21 feet to a 1/2 inch iron
3 rod found for corner at the end of said curve;

4 THENCE: South 00 deg. 03 min. 31 sec. East, continuing along
5 the common line of said RESERVE A and Murphy Road, a distance of
6 1,383.31 feet to the POINT OF BEGINNING and containing 8,373,627
7 square feet or 192.232 acres of land.

8 SECTION 3. The Fort Bend County Water Control and
9 Improvement District No. 2 retains all the rights, powers,
10 privileges, authority, duties, and functions that it had before the
11 effective date of this Act.

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

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

18 (1) is involved in litigation if the litigation
19 ultimately results in the matter being held invalid by a final
20 judgment of a court; or

21 (2) has been held invalid by a final judgment of a
22 court.

23 SECTION 5. (a) The legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2 Government Code.

3 (b) The governor, one of the required recipients, has
4 submitted the notice and Act to the Texas Commission on
5 Environmental Quality.

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

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

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