

1-1 By: Reynolds (Senate Sponsor - Ellis) H.B. No. 4174
 1-2 (In the Senate - Received from the House May 18, 2015;
 1-3 May 18, 2015, read first time and referred to Committee on
 1-4 Agriculture, Water, and Rural Affairs; May 24, 2015, reported
 1-5 favorably by the following vote: Yeas 6, Nays 0; May 24, 2015, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the creation of a defined area in the Fort Bend County
 1-19 Water Control and Improvement District No. 2; providing authority
 1-20 to issue bonds; providing authority to impose assessments, fees,
 1-21 and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 312, Acts of the 57th Legislature,
 1-24 Regular Session, 1961, is amended by adding Sections 9 through 22 to
 1-25 read as follows:

1-26 Sec. 9. DEFINED AREA: CREATION OF DEFINED AREA;
 1-27 DESIGNATION. (a) A defined area is created in the district.

1-28 (b) The defined area is designated to pay for improvements,
 1-29 facilities, or services that primarily benefit the defined area and
 1-30 do not generally benefit the district as a whole.

1-31 Sec. 10. DEFINED AREA: INITIAL TERRITORY. (a) The defined
 1-32 area is initially composed of the territory described by Section 2
 1-33 of the Act enacting this section.

1-34 (b) The boundaries and field notes contained in Section 2 of
 1-35 the Act enacting this section form a closure. A mistake made in the
 1-36 field notes or in copying the field notes in the legislative process
 1-37 does not affect:

1-38 (1) the defined area's organization, existence, or
 1-39 validity;

1-40 (2) the district's right to issue any type of bond or
 1-41 obligation for the purposes for which the defined area is
 1-42 designated, including to pay the principal of and interest on a
 1-43 bond;

1-44 (3) the district's right to impose or collect a tax in
 1-45 the defined area; or

1-46 (4) the legality or operation of the defined area or
 1-47 the district.

1-48 Sec. 11. DEFINED AREA: EXCLUSION OF LAND. Subject to the
 1-49 City of Stafford providing written consent by ordinance or
 1-50 resolution, the district may exclude land from the defined area in
 1-51 the same manner as the district may exclude land from the district.

1-52 Sec. 12. DEFINED AREA: PROCEDURE FOR ELECTION. (a) Before
 1-53 the district may impose an ad valorem tax or issue bonds payable
 1-54 from ad valorem taxes of the defined area described by Section 9,
 1-55 the governing body of the district shall call and hold an election
 1-56 in the defined area only.

1-57 (b) The governing body of the district may submit the
 1-58 proposition to the voters on the same ballot to be used in another
 1-59 election.

1-60 Sec. 13. DEFINED AREA: TAXES FOR SERVICES, IMPROVEMENTS,
 1-61 AND FACILITIES. On approval of the qualified voters in the defined

2-1 area, the district may apply separately, differently, equitably,
 2-2 and specifically its taxing power and lien authority to the defined
 2-3 area to provide money to construct, administer, maintain, and
 2-4 operate services, improvements, and facilities that primarily
 2-5 benefit the defined area.

2-6 Sec. 14. DEFINED AREA: ISSUANCE OF BONDS. On approval of
 2-7 the qualified voters in the defined area, the district may issue
 2-8 bonds to provide for any land, improvements, facilities, plants,
 2-9 equipment, and appliances for the defined area.

2-10 Sec. 15. DEFINED AREA: POWERS AND DUTIES. (a) For the
 2-11 benefit of the defined area, the district has the powers and duties
 2-12 provided by the general law of this state necessary to accomplish
 2-13 the purposes of:

2-14 (1) Section 59, Article XVI, Texas Constitution;

2-15 (2) Section 52, Article III, Texas Constitution,
 2-16 applicable to the construction, acquisition, improvement,
 2-17 operation, or maintenance of macadamized, graveled, or paved roads,
 2-18 or improvements, including storm drainage, in aid of those roads;
 2-19 and

2-20 (3) except as provided by this chapter, Chapters 49
 2-21 and 51, Water Code, applicable to water control and improvement
 2-22 districts created under Section 59, Article XVI, Texas
 2-23 Constitution.

2-24 (b) Except as provided by Subsection (c), the governing body
 2-25 of the district shall administer the defined area as provided by
 2-26 Chapter 51, Water Code.

2-27 (c) Sections 51.518, 51.519, 51.520, 51.521, 51.522,
 2-28 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do
 2-29 not apply to the district.

2-30 Sec. 16. DEFINED AREA: AUTHORITY FOR ROAD PROJECTS. Under
 2-31 Section 52, Article III, Texas Constitution, for the benefit of the
 2-32 defined area, the district may design, acquire, construct, finance,
 2-33 issue bonds for, improve, operate, maintain, and convey to this
 2-34 state, a county, or a municipality for operation and maintenance
 2-35 macadamized, graveled, or paved roads, or improvements, including
 2-36 storm drainage, in aid of those roads, including roads located
 2-37 outside the boundaries of the defined area that benefit the defined
 2-38 area.

2-39 Sec. 17. DEFINED AREA: ROAD STANDARDS AND REQUIREMENTS. A
 2-40 road project must meet all applicable construction standards,
 2-41 zoning and subdivision requirements, and regulations of each
 2-42 municipality in whose corporate limits or extraterritorial
 2-43 jurisdiction the road project is located.

2-44 Sec. 18. DEFINED AREA: IMPROVEMENT PROJECTS AND SERVICES.
 2-45 For the benefit of the defined area, the district may provide,
 2-46 design, construct, acquire, improve, relocate, operate, maintain,
 2-47 or finance an improvement project or service using any money
 2-48 available to the district, or contract with a governmental or
 2-49 private entity to provide, design, construct, acquire, improve,
 2-50 relocate, operate, maintain, or finance an improvement project or
 2-51 service authorized under this chapter.

2-52 Sec. 19. DEFINED AREA: ELECTIONS REGARDING TAXES AND
 2-53 BONDS. (a) For the benefit of the defined area, the district may
 2-54 issue, without an election, bonds, notes, and other obligations
 2-55 secured by revenue other than ad valorem taxes.

2-56 (b) The district must hold an election in the defined area
 2-57 to obtain approval of the qualified voters of the defined area
 2-58 before the district may impose an ad valorem tax or issue bonds
 2-59 payable from ad valorem taxes in the defined area.

2-60 (c) An election under this section does not require that an
 2-61 election be held in the part of the district located outside the
 2-62 defined area.

2-63 (d) All or any part of any facilities or improvements that
 2-64 may be acquired by a district by the issuance of its bonds may be
 2-65 submitted as a single proposition or as several propositions to be
 2-66 voted on at the election.

2-67 Sec. 20. DEFINED AREA: OPERATION AND MAINTENANCE TAX.
 2-68 (a) If authorized by a majority of the voters in the defined area
 2-69 voting at an election held in accordance with Section 19, the

3-1 district may impose an operation and maintenance tax on taxable
3-2 property in the defined area in accordance with Section 49.107,
3-3 Water Code, for any district purpose, including to:

- 3-4 (1) maintain and operate the defined area;
- 3-5 (2) construct or acquire improvements; or
- 3-6 (3) provide a service.

3-7 (b) The governing body of the district shall determine the
3-8 tax rate. The rate may not exceed the rate approved at the
3-9 election.

3-10 (c) Section 49.107(h), Water Code, does not apply to the
3-11 district.

3-12 Sec. 21. DEFINED AREA: AUTHORITY TO BORROW MONEY AND TO
3-13 ISSUE BONDS AND OTHER OBLIGATIONS. (a) For the benefit of the
3-14 defined area, the district may borrow money on terms determined by
3-15 the governing body of the district.

3-16 (b) The district may issue bonds, notes, or other
3-17 obligations payable wholly or partly from ad valorem taxes, impact
3-18 fees, revenue, grants, or other district money, or any combination
3-19 of those sources of money from the defined area, to pay for any
3-20 authorized district purpose.

3-21 (c) The limitation on the outstanding principal amount of
3-22 bonds, notes, and other obligations provided by Section 49.4645,
3-23 Water Code, does not apply to the district.

3-24 (d) The district must obtain approval from the Texas
3-25 Commission on Environmental Quality as provided by Chapter 49,
3-26 Water Code, before the district issues bonds to provide water,
3-27 sewer, or drainage facilities for the benefit of the defined area.

3-28 Sec. 22. DEFINED AREA: TAXES FOR BONDS. At the time the
3-29 district issues bonds payable wholly or partly from ad valorem
3-30 taxes from the defined area, the governing body of the district
3-31 shall provide for the annual imposition of a continuing direct
3-32 annual ad valorem tax, without limit as to rate or amount, for each
3-33 year that all or part of the bonds are outstanding as required and
3-34 in the manner provided by Sections 51.433 and 51.436, Water Code.

3-35 SECTION 2. The defined area of the Fort Bend County Water
3-36 Control and Improvement District No. 2 initially includes all
3-37 territory contained in the following area:

3-38 SITUATED in the City of Stafford, Texas and in the Thomas J.
3-39 Nichols Survey, Abstract No. 296 and the James Alston Survey,
3-40 Abstract No. 101 of Fort Bend County, Texas and being all of RESERVE
3-41 A and RESERVE B of TEXAS INSTRUMENTS, an addition to the City of
3-42 Stafford, according to the Final Plat thereof, recorded under Plat
3-43 No. 20130165 of the Plat Records of Fort Bend County, Texas and said
3-44 RESERVE A being part of that certain called 193.3692 acre tract of
3-45 land described as "Tract No. 1" in a deed recorded in Volume 450,
3-46 Page 467 of the Deed Records of Fort Bend County, Texas (DRFBCT) and
3-47 part of that certain called 9.2730 acre tract of land described as
3-48 "Tract A" and also part of that certain called 15.2574 acre tract of
3-49 land described as "Tract B" in a deed recorded in Volume 460, Page
3-50 202, DRFBCT and RESERVE B being part of that certain called 7.6923
3-51 acre tract of land described as "Tract No. 2" in the above described
3-52 deed recorded in Volume 450, Page 467, DRFBCT and also included is
3-53 all of that 35 foot strip of land lying between RESERVE A and
3-54 RESERVE B as described in a deed to Texas Instruments Incorporated,
3-55 recorded in Volume 561, Page 201, DRFBCT and the consolidation of
3-56 these three tract of land being more particularly described by
3-57 metes & bounds as follows:

3-58 BEGINNING at a 1/2" iron pipe found for the southeast corner
3-59 of said RESERVE A, on the west right-of-way line of Murphy Road
3-60 (120' R.O.W.) and said point also being the northeast corner of
3-61 Greenbrier Southwest Subdivision Section 4 as recorded in Volume
3-62 23, Page 24 of the Plat Records of Fort Bend County, Texas (PRFBCT)
3-63 said point also being on the south line of the above referenced
3-64 15.2574 acre tract;

3-65 THENCE: South 89 deg. 50 min. 48 sec. West (Reference
3-66 Bearing), along the south line of said RESERVE A and the above
3-67 described 15.2574 acre tract and along the north line of said
3-68 Greenbrier Southwest Subdivision Section 4 as well as the north
3-69 lines of Greenbrier Southwest Subdivision Section 3, recorded in

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

4-10 THENCE: In a northerly direction along the east line of said
4-11 Kirkwood Road and with said curve to the left, through a total
4-12 central angle of 17 deg. 05 min. 50 sec., at an arc distance of
4-13 304.42 feet, passing a 1/2 inch iron rod, topped with a red plastic
4-14 cap stamped "RPLS 4701", found for the most westerly southwest
4-15 corner of said RESERVE A and the southeast corner of the above
4-16 described 35 foot strip of land and continuing along said curve to
4-17 the left for a total arc distance of 402.66 feet to a point for
4-18 corner at the end of said curve;

4-19 THENCE: North 21 deg. 32 min. 05 sec. West, continuing along
4-20 the east right-of-way line of said Kirkwood Road, at 10.78 feet,
4-21 passing a 3/4 inch iron rod found for the southwest corner of said
4-22 35 foot strip of land and the most southerly corner of the above
4-23 described RESERVE B and continuing on for a total distance 387.89
4-24 feet 3/4 inch iron rod found for corner on the southeast
4-25 right-of-way line of U.S. Highway 59;

4-26 THENCE: North 19 deg. 54 min. 57 sec. East, along the
4-27 southeast right-of-way line of said U. S. Highway 59, a distance of
4-28 58.89 feet to a 3/4 inch iron rod found for corner;

4-29 THENCE: North 43 deg. 59 min. 43 sec. East, continuing along
4-30 the southeast right-of-way line of said U.S. Highway 59, a distance
4-31 of 168.94 feet to a 3/4 inch iron rod found for the northerly corner
4-32 of said RESERVE B and same being the northwest corner of said 35
4-33 foot strip of land;

4-34 THENCE: North 43 deg. 59 min. 43 sec. East, continuing along
4-35 the southeast right-of-way line of said U.S. Highway 59 and across
4-36 said 35 foot strip of land, a distance of 50.34 feet to a 3/4 inch
4-37 iron rod found for the northeast corner of said 35 foot strip of
4-38 land and the most westerly northwest corner of said RESERVE A;

4-39 THENCE: in a northeasterly direction with the common line of
4-40 said RESERVE A and said U.S. Highway 59 as follows:

4-41 North 44 deg. 17 min. 43 sec. East, a distance of 15.54
4-42 feet to a 3/4 inch iron rod found for corner;

4-43 North 45 deg. 24 min. 47 sec. East, a distance of 400.27
4-44 feet to a 3/4 inch iron rod found for corner;

4-45 North 43 deg. 57 min. 06 sec. East, a distance of
4-46 1,149.58 feet to a 3/4 inch iron rod found for corner;

4-47 North 47 deg. 35 min. 26 sec. East, a distance of 390.48
4-48 feet to a aluminum right-of-way monument found for corner;

4-49 North 44 deg. 03 min. 15 sec. East, a distance of 160.95
4-50 feet to a 3/4 inch iron rod found for corner;

4-51 North 88 deg. 51 min. 59 sec. East, a distance of 42.50
4-52 feet to a 3/4 inch iron rod found for corner;

4-53 South 46 deg. 06 min. 09 sec. East, a distance of 102.61
4-54 feet to a aluminum right-of-way monument found for corner;

4-55 South 52 deg. 58 min. 30 sec. East, a distance of 59.54
4-56 feet to a 3/4 inch iron rod found for corner;

4-57 South 52 deg. 31 min. 08 sec. East, a distance of 21.27
4-58 feet to a 5/8 inch iron rod found for corner in the south
4-59 right-of-way line of Airport Boulevard (100' R.O.W.) said
4-60 point also being in a curve to the left, having a radius of
4-61 2,914.79 feet and a chord that bears South 68 deg. 05 min. 46
4-62 sec. East - 2,190.07 feet;

4-63 THENCE: in a southeasterly direction with the northern line
4-64 of said RESERVE A and the south right-of-way line of said Airport
4-65 Boulevard, with said curve to the left, through a central angle of
4-66 44 deg. 07 min. 59 sec. and along an arc distance of 2,245.17 feet to
4-67 a 1/2" iron pipe found for corner at the end of said curve;

4-68 THENCE: North 89 deg. 49 min. 22 sec. East, continuing along
4-69 the common line of said RESERVE A and Airport Boulevard, a distance

5-1 of 1,125.05 feet to a 1/2 inch iron rod found for the northeast
5-2 corner of said RESERVE A on the west right-of-way line of Murphy
5-3 Road said point also being in a curve to the right, having a radius
5-4 of 22,858.33 feet and a chord that bears South 00 deg. 15 min. 52
5-5 sec. East - 136.21 feet;

5-6 THENCE: in a southerly direction, with the east line of said
5-7 RESERVE A and the west right-of-way line of said Murphy Road, along
5-8 said curve to the right, through a central angle of 00 deg. 20 min.
5-9 29 sec. and along an arc distance of 136.21 feet to a 1/2 inch iron
5-10 rod found for corner at the end of said curve;

5-11 THENCE: South 00 deg. 03 min. 31 sec. East, continuing along
5-12 the common line of said RESERVE A and Murphy Road, a distance of
5-13 1,383.31 feet to the POINT OF BEGINNING and containing 8,373,627
5-14 square feet or 192.232 acres of land.

5-15 SECTION 3. The Fort Bend County Water Control and
5-16 Improvement District No. 2 retains all the rights, powers,
5-17 privileges, authority, duties, and functions that it had before the
5-18 effective date of this Act.

5-19 SECTION 4. (a) The legislature validates and confirms all
5-20 acts and proceedings of the Fort Bend County Water Control and
5-21 Improvement District No. 2 that were taken before the effective
5-22 date of this Act.

5-23 (b) Subsection (a) of this section does not apply to any
5-24 matter that on the effective date of this Act:

5-25 (1) is involved in litigation if the litigation
5-26 ultimately results in the matter being held invalid by a final
5-27 judgment of a court; or

5-28 (2) has been held invalid by a final judgment of a
5-29 court.

5-30 SECTION 5. (a) The legal notice of the intention to
5-31 introduce this Act, setting forth the general substance of this
5-32 Act, has been published as provided by law, and the notice and a
5-33 copy of this Act have been furnished to all persons, agencies,
5-34 officials, or entities to which they are required to be furnished
5-35 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-36 Government Code.

5-37 (b) The governor, one of the required recipients, has
5-38 submitted the notice and Act to the Texas Commission on
5-39 Environmental Quality.

5-40 (c) The Texas Commission on Environmental Quality has filed
5-41 its recommendations relating to this Act with the governor, the
5-42 lieutenant governor, and the speaker of the house of
5-43 representatives within the required time.

5-44 (d) All requirements of the constitution and laws of this
5-45 state and the rules and procedures of the legislature with respect
5-46 to the notice, introduction, and passage of this Act are fulfilled
5-47 and accomplished.

5-48 SECTION 6. This Act takes effect immediately if it receives
5-49 a vote of two-thirds of all the members elected to each house, as
5-50 provided by Section 39, Article III, Texas Constitution. If this
5-51 Act does not receive the vote necessary for immediate effect, this
5-52 Act takes effect September 1, 2015.

5-53 * * * * *