

By: Farney

H.B. No. 4179

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Williamson County Municipal Utility District No. 32; 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 7935 to read as follows:

CHAPTER 7935. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 32

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7935.001. 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 Williamson County Municipal Utility District No. 32.

Sec. 7935.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7935.003. 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. 7935.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7935.003
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. 7935.005. 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. 7935.006. 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. 7935.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7935.052, directors serve
6 staggered four-year terms.

7 Sec. 7935.052. 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 7935.003; 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 7935.003 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 7935.003; 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. 7935.101. 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. 7935.102. 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. 7935.103. 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. 7935.104. 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 (d) The district shall convey the public roads constructed
10 by or on behalf of the district under Section 7935.103 to Williamson
11 County for ownership, operation, and maintenance by the county.
12 After the 12th anniversary of the date the county accepts
13 conveyance of the roads, the district shall maintain the public
14 roads located in the district, except that the county shall
15 maintain the east-west arterial roadway located in the district
16 north of the San Gabriel River and south of State Highway 29. The
17 district's obligation to maintain the public roads located in the
18 district ceases if all of the territory of the district is annexed
19 by a municipality.

20 Sec. 7935.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
21 OR RESOLUTION. The district shall comply with all applicable
22 requirements of any ordinance or resolution that is adopted under
23 Section 54.016 or 54.0165, Water Code, and that consents to the
24 creation of the district or to the inclusion of land in the
25 district.

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 7935.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The

1 district may issue, without an election, bonds and other
2 obligations secured by:

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

4 (2) contract payments described by Section 7935.153.

5 (b) The district must hold an election in the manner
6 provided by Chapters 49 and 54, Water Code, to obtain voter approval
7 before the district may impose an ad valorem tax or issue bonds
8 payable from ad valorem taxes.

9 (c) The district may not issue bonds payable from ad valorem
10 taxes to finance a road project unless the issuance is approved by a
11 vote of a two-thirds majority of the district voters voting at an
12 election held for that purpose.

13 Sec. 7935.152. OPERATION AND MAINTENANCE TAX. (a) If
14 authorized at an election held under Section 7935.151, the district
15 may impose an operation and maintenance tax on taxable property in
16 the district in accordance with Section 49.107, Water Code.

17 (b) The board shall determine the tax rate. The rate may not
18 exceed the rate approved at the election.

19 Sec. 7935.153. CONTRACT TAXES. (a) In accordance with
20 Section 49.108, Water Code, the district may impose a tax other than
21 an operation and maintenance tax and use the revenue derived from
22 the tax to make payments under a contract after the provisions of
23 the contract have been approved by a majority of the district voters
24 voting at an election held for that purpose.

25 (b) A contract approved by the district voters may contain a
26 provision stating that the contract may be modified or amended by
27 the board without further voter approval.

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 7935.201. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. The district may issue bonds or other obligations
4 payable wholly or partly from ad valorem taxes, impact fees,
5 revenue, contract payments, grants, or other district money, or any
6 combination of those sources, to pay for any authorized district
7 purpose.

8 Sec. 7935.202. TAXES FOR BONDS. At the time the district
9 issues bonds payable wholly or partly from ad valorem taxes, the
10 board shall provide for the annual imposition of a continuing
11 direct ad valorem tax, without limit as to rate or amount, while all
12 or part of the bonds are outstanding as required and in the manner
13 provided by Sections 54.601 and 54.602, Water Code.

14 Sec. 7935.203. BONDS FOR ROAD PROJECTS. At the time of
15 issuance, the total principal amount of bonds or other obligations
16 issued or incurred to finance road projects and payable from ad
17 valorem taxes may not exceed one-fourth of the assessed value of the
18 real property in the district.

19 SECTION 2. The Williamson County Municipal Utility District
20 No. 32 initially includes all the territory contained in the
21 following area:

22 BEING 224.01 ACRES OF LAND OUT OF THE WILLIAM H. MONROE
23 SURVEY, ABSTRACT NUMBER 453, AND THE HENRY GARMES SURVEY, ABSTRACT
24 NO. 269, BOTH IN WILLIAMSON COUNTY, TEXAS, AND BEING COMPRISED OF
25 TWO TRACTS: TRACT 1 BEING AN 85.28 ACRE REMAINDER OF AN 86.67 ACRE
26 TRACT, AND TRACT TWO BEING A PORTION OF A 217.19 ACRE TRACT, BOTH
27 CONVEYED TO LANCE ERIC CAUGHFIELD, TRUSTEE OF THE CAUGHFIELD FAMILY

1 TRUST BY CORRECTION GENERAL WARRANTY DEED OF RECORD IN DOC. NO.
2 2013046424 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY,
3 TEXAS, THEREIN DESIGNATED AS "TRACT 4" AND "TRACT 6" RESPECTIVELY,
4 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
5 FOLLOWS:

6 BEGINNING at a 1/2" rebar set with plastic cap which reads
7 "Baseline Inc" for the northwest corner of said 85.28 acre
8 remainder of an 86.67 acre tract and being in the easterly
9 right-of-way line of County Road 266 (R.O.W. varies)
10 [Point of Beginning Coordinates: Northing=10,202,682.54;
11 Easting=3,075,533.94];

12 THENCE along the northerly line of the 85.28 acre remainder
13 of the 86.67 acre tract and the southerly line of the 1.43 acre
14 tract, the following five (5) courses:

15 1. North 69°24'31" East a distance of 1604.24 feet (record -
16 North 69°21'48" East a distance of 1605.58 feet) to a 1/2" rebar set
17 with plastic cap which reads "Baseline Inc";

18 2. South 11°19'39" East a distance of 269.65 feet (record -
19 South 11°21'47" East a distance of 269.60 feet) to a 1/2" rebar set
20 with plastic cap which reads "Baseline Inc";

21 3. North 69°24'00" East a distance of 350.61 feet (record -
22 North 69°21'48" East a distance of 350.66 feet) to a 1/2" rebar set
23 with plastic cap which reads "Baseline Inc";

24 4. North 11°18'00" West a distance of 284.73 feet (record -
25 North 11°21'47" West a distance of 284.80 feet) to a 1/2" rebar set
26 with plastic cap which reads "Baseline Inc";

27 5. South 69°22'01" West a distance of 25.34 feet (record -

1 South 69°21'26" West a distance of 25.33 feet) to a 1/2" rebar set
2 with plastic cap which reads "Baseline Inc" in the east line of the
3 3.16 acre tract;

4 THENCE North 11°18'00" West (record - North 11°18'54" West),
5 along the northerly line of the remainder of a 85.28 acre remainder
6 of an 86.67 acre tract the east line of the 3.16 acre tract, a
7 distance of 40.54 feet to a 1/2" rebar found for the northeast
8 corner of the 3.16 acre tract and being in the south line of a
9 179.402 acre tract of land conveyed to IMH Special Asset NT, 192,
10 LLC by instrument of record in Doc. No. 2008051394 of the Official
11 Public Records of Williamson County, Texas;

12 Thence North 69°22'01" East (record - North 69°22'23" East),
13 along the north line of the 85.28 acre remainder of an remainder of
14 a 86.67 acre tract and the south line of said 179.402 acre tract, a
15 distance of 1005.09 feet (record - 1005.27 feet) to a 1/2" rebar
16 found for the northeast corner of the 85.28 acre remainder of an
17 86.67 acre tract and being in the west line of a 136.97 acre tract of
18 land conveyed to Bonnett Enterprises, Ltd by instrument of record
19 in Doc. No. 2008035426 of the Official Public Records of Williamson
20 County, Texas, from which a 1/2" rebar found for the northwest
21 corner of said 136.97 acre tract and being an angle point in the
22 south line of the 179.402 acre tract, bears North 19°30'07" West
23 feet (record - North 21°20'35" West) a distance of 13.42 feet;

24 THENCE South 21°21'47" East (record - South 21°20'35" East),
25 along the easterly line of the 85.28 acre remainder of an 86.67 acre
26 tract and the west line of the 136.97 acre tract, a distance of
27 748.32 feet (record - 748.32 feet) to a 1/2" rebar set with plastic

1 cap which reads "Baseline Inc";

2 THENCE South 21°27'41" East (record - South 21°28'13" East),
3 along the easterly line of the 85.28 acre remainder of an 86.67 acre
4 tract, the easterly line of the 217.19 acre tract, and the west line
5 of the 136.97 acre tract, a distance of 639.93 feet (record - 639.95
6 feet) to a 1/2" rebar found;

7 THENCE along the easterly line of the 217.19 acre tract and
8 the west line of the 136.97 acre tract, the following two (2)
9 courses:

10 1. South 21°41'13" East a distance of 690.87 feet (record -
11 South 21°41'53" East a distance of 690.92 feet) to a 1/2" rebar set
12 with plastic cap which reads "Baseline Inc";

13 2. South 21°42'40" East a distance of 244.94 feet (record -
14 South 21°44'40" East a distance of 245.32 feet) to a 1/2" rebar found
15 for the southwest corner of the 136.97 acre tract and the northwest
16 corner of a remainder of a 5.00 acre tract of land conveyed to
17 Timothy L. Gibson and Bridget Ann Gibson by deed of record in Volume
18 2508, Page 6 of the Deed Records of Williamson County, Texas;

19 THENCE South 21°06'46" East (record - South 21°03'11" East),
20 along the easterly line of the 217.19 acre tract, the west line of
21 said remainder of 5.00 acre tract, and along the west line of a
22 3.066 acre tract of land conveyed to Mark Alexander, Bridget
23 Gibson, and Cheryl Cervenka by instrument of record in Doc.
24 No. 2013017775 of the Official Public Records of Williamson County,
25 a distance of 428.37 feet (record - 428.94 feet) to a 1/2" rebar
26 found for the southwest corner of said 3.066 acre tract and the
27 northwest corner of a 5.00 tract of land conveyed to Mark Alexander

1 and Joann Alexander by instrument of record in Doc. No. 199802644
2 of the Official Records of Williamson County;

3 THENCE South 21°33'31" East (record - South 21°34'03" East),
4 along the easterly line of the 217.19 acre tract and the west line
5 of said of 5.00 acre tract , a distance of 599.88 feet (record -
6 599.79 feet) to a 1/2" rebar found for the southwest corner of said
7 5.00 acre tract and being an angle point in the westerly line of a
8 76.97 tract of land conveyed to Alice Catherine Alexander by deed of
9 record in Volume 611, Page 699 of the Deed Records of Williamson
10 County, Texas,

11 THENCE along the easterly line of the 217.19 acre tract and
12 the westerly line of said 76.97 acre tract, the following two (2)
13 courses:

14 1. South 21°54'00" East a distance of 269.26 feet (record -
15 South 21°53'51" East a distance of 269.06 feet) to a 1/2" rebar
16 found;

17 2. South 22°09'33" East a distance of 62.24 feet (record -
18 South 21°54'42" East a distance of 62.48 feet) to a 1/2" rebar found
19 for the northwest corner of a 5.00 acre tract of land conveyed to
20 Victor E. Landig, Jr. and Cathy Jayne Landig by instrument of record
21 in Doc. No. 2006029147 of the Official Public. Records of
22 Williamson County;

23 THENCE South 22°03'28" East (record - South 22°03'22" East),
24 along the easterly line of the 217.19 acre tract and the west line
25 of said 5.00 acre tract, a distance of 560.54 feet (record - 560.34
26 feet) to a 1/2" rebar found for the southwest corner of the 5.00
27 acre tract;

1 THENCE crossing through the 217.19 acre tract the following
2 two (2) courses:

3 1. South 68°51'37" West a distance of 844.71 feet to a
4 calculated point;

5 2. South 67°04'21" West a distance of 357.92 feet to a
6 calculated point in the west line of the 217.19 acre tract and the
7 easterly right-of-way line of said County Road 266;

8 THENCE along the westerly line of the 217.19 acre tract and
9 the easterly right-of-way line of County Road 266, the following
10 twenty six (26) courses:

11 1. North 29°55'12" West (record - North 29°51'30" West) a
12 distance of 20.03 feet to a 1/2" rebar found;

13 2. North 38°45'21" West a distance of 234.78 feet (record -
14 North 38°45'24" West a distance of 234.82 feet) to a 1/2" rebar
15 found;

16 3. North 36°40'10" West a distance of 136.61 feet (record -
17 North 36°39'51" West a distance of 136.69 feet) to a 1/2" rebar
18 found;

19 4. North 37°05'41" West a distance of 94.55 feet (record -
20 North 37°05'30" West a distance of 94.46 feet) to a 1/2" rebar found;

21 5. North 36°08'55" West a distance of 82.59 feet (record -
22 North 36°10'02" West a distance of 82.65 feet) to a 1/2" rebar found;

23 6. North 53°44'13" West a distance of 101.89 feet (record -
24 North 53°43'49" West a distance of 101.84 feet) to a 1/2" rebar
25 found;

26 7. North 54°16'13" West a distance of 57.61 feet (record -
27 North 54°18'48" West a distance of 57.52 feet) to a 1/2" rebar found;

1 8. North 58°49'06" West a distance of 139.71 feet (record -
2 North 58°49'51" West a distance of 139.71 feet) to a 1/2" rebar
3 found;

4 9. North 59°02'12" West a distance of 88.23 feet (record -
5 North 59°00'12" West a distance of 88.22 feet) to a 1/2" rebar found;

6 10. North 58°37'10" West a distance of 215.17 feet (record -
7 North 58°37'31" West a distance of 215.26 feet) to a 1/2" rebar
8 found;

9 11. North 58°09'02" West a distance of 178.14 feet (record -
10 North 58°09'15" West a distance of 178.13 feet) to a 1/2" rebar
11 found;

12 12. North 60°08'02" West a distance of 116.38 feet (record -
13 North 60°08'24" West a distance of 116.32 feet) to a 60d nail found;

14 13. North 57°27'15" West a distance of 160.15 feet (record -
15 North 57°26'31" West a distance of 160.19 feet) to a 1/2" rebar
16 found;

17 14. North 57°20'46" West a distance of 51.68 feet (record -
18 North 57°22'06" West a distance of 51.66 feet) to a 60d nail found;

19 15. North 54°51'18" West a distance of 71.89 feet (record -
20 North 54°46'53" West a distance of 71.95 feet) to a 1/2" rebar found;

21 16. North 60°47'05" West a distance of 115.69 feet (record -
22 North 60°47'07" West a distance of 115.55 feet) to a 1/2" rebar
23 found;

24 17. North 60°15'04" West a distance of 55.78 feet (record -
25 North 60°37'16" West a distance of 55.96 feet) to a 60d nail found;

26 18. North 71°12'58" West a distance of 218.95 feet (record -
27 North 71°09'12" West a distance of 218.79 feet) to a 1/2" rebar

1 found;

2 19. North 63°36'05" West a distance of 22.35 feet (record -
3 North 63°40'21" West a distance of 22.25 feet) to a 60d nail found;

4 20. North 62°46'02" West a distance of 79.62 feet (record -
5 North 63°40'21" West a distance of 22.25 feet) to a 60d nail found;

6 21. North 61°47'42" West a distance of 242.11 feet (record -
7 North 61°45'24" West a distance of 242.01 feet) to a 60d nail found;

8 22. North 58°44'40" West a distance of 240.81 feet (record -
9 North 58°46'48" West a distance of 240.82 feet) to a 60d nail found
10 in a fence post;

11 23. North 49°47'23" West a distance of 101.30 feet (record -
12 North 49°47'33" West a distance of 101.21 feet) to a 60d nail found
13 in a fence post;

14 24. North 45°39'04" West a distance of 174.54 feet (record -
15 North 45°37'29" West a distance of 174.58 feet) to a 1/2" rebar
16 found;

17 25. North 36°52'51" West a distance of 53.64 feet (record -
18 North 36°54'30" West a distance of 53.63 feet) to a 60d nail found;

19 26. North 29°06'17" West a distance of 437.83 feet (record -
20 North 29°06'04" West a distance of 437.95 feet) to a 1/2" rebar found
21 for the northwest corner of the 217.19 acre tract and the southwest
22 corner of the remainder of a 86.67 acre tract;

23 THENCE along the westerly line of the remainder of a 86.67
24 acre tract and the easterly right-of-way line of County Road 266,
25 the following five (5) courses:

26 1. North 27°50'09" West a distance of 386.84 feet (record -
27 North 27°50'48" West a distance of 386.63 feet) to a 1/2" rebar

1 found;

2 2. North 26°13'46" West a distance of 581.24 feet (record -
3 North 26°12'47" West a distance of 581.36 feet) to a 1/2" rebar
4 found;

5 3. North 17°57'38" West a distance of 192.26 feet (record -
6 North 17°59'19" West a distance of 192.21 feet) to a 1/2" rebar
7 found;

8 4. North 13°15'16" West a distance of 67.93 feet (record -
9 North 13°20'48" West a distance of 68.02 feet) to a steel fence post;

10 5. North 12°46'29" West (record - North 12°42'39" West) a
11 distance of 55.69 feet to the POINT OF BEGINNING.

12 This tract contains 224.01 acres of land, more or less, out of
13 the William H. Monroe Survey, Abstract Number 453, and the Henry
14 Garmes Survey, Abstract no. 269, both in Williamson County, Texas.

15 SECTION 3. (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 4. (a) If this Act does not receive a two-thirds
7 vote of all the members elected to each house, Subchapter C, Chapter
8 7935, Special District Local Laws Code, as added by Section 1 of
9 this Act, is amended by adding Section 7935.106 to read as follows:

10 Sec. 7935.106. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

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

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