

By: Spitzer

H.B. No. 4193

Substitute the following for H.B. No. 4193:

By: Zedler

C.S.H.B. No. 4193

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Kaufman County Municipal Utility District No. 15; 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 7923 to read as follows:

CHAPTER 7923. KAUFMAN COUNTY MUNICIPAL UTILITY DISTRICT NO. 15

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7923.001. 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 Kaufman County Municipal Utility District No. 15.

Sec. 7923.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7923.003. 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. 7923.004. CONSENT OF MUNICIPALITY AND SCHOOL DISTRICT
2 REQUIRED. (a) The temporary directors may not hold an election
3 under Section 7923.003 until each municipality in whose corporate
4 limits or 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 (b) A municipality described by Subsection (a) may give its
8 consent only after each affected school district passes a
9 resolution consenting to the creation of the district.

10 Sec. 7923.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
11 The district is created to serve a public purpose and benefit.

12 (b) The district is created to accomplish the purposes of:
13 (1) a municipal utility district as provided by
14 general law and Section 59, Article XVI, Texas Constitution; and
15 (2) Section 52, Article III, Texas Constitution, that
16 relate to the construction, acquisition, improvement, operation,
17 or maintenance of macadamized, graveled, or paved roads, or
18 improvements, including storm drainage, in aid of those roads.

19 Sec. 7923.006. INITIAL DISTRICT TERRITORY. (a) The
20 district is initially composed of the territory described by
21 Section 2 of the Act enacting this chapter.

22 (b) The boundaries and field notes contained in Section 2 of
23 the Act enacting this chapter form a closure. A mistake made in the
24 field notes or in copying the field notes in the legislative process
25 does not affect the district's:

- 26 (1) organization, existence, or validity;
27 (2) right to issue any type of bond for the purposes

1 for which the district is created or to pay the principal of and
2 interest on a bond;

3 (3) right to impose a tax; or

4 (4) legality or operation.

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 7923.051. GOVERNING BODY; TERMS. (a) The district is
7 governed by a board of five elected directors.

8 (b) Except as provided by Section 7923.052, directors serve
9 staggered four-year terms.

10 Sec. 7923.052. TEMPORARY DIRECTORS. (a) On or after
11 September 1, 2015, the owner or owners of a majority of the assessed
12 value of the real property in the district may submit a petition to
13 the commission requesting that the commission appoint as temporary
14 directors the five persons named in the petition. The commission
15 shall appoint as temporary directors the five persons named in the
16 petition.

17 (b) Temporary directors serve until the earlier of:

18 (1) the date permanent directors are elected under
19 Section 7923.003; or

20 (2) September 1, 2019.

21 (c) If permanent directors have not been elected under
22 Section 7923.003 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 7923.003; or

1 (2) the fourth anniversary of the date of the
2 appointment or reappointment.

3 (d) If Subsection (c) applies, the owner or owners of a
4 majority of the assessed value of the real property in the district
5 may submit a petition to the commission requesting that the
6 commission appoint as successor temporary directors the five
7 persons named in the petition. The commission shall appoint as
8 successor temporary directors the five persons named in the
9 petition.

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 7923.101. GENERAL POWERS AND DUTIES. The district has
12 the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 7923.102. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 7923.103. AUTHORITY FOR ROAD PROJECTS. Under Section
20 52, Article III, Texas Constitution, the district may design,
21 acquire, construct, finance, issue bonds for, improve, operate,
22 maintain, and convey to this state, a county, or a municipality for
23 operation and maintenance macadamized, graveled, or paved roads, or
24 improvements, including storm drainage, in aid of those roads.

25 Sec. 7923.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
26 project must meet all applicable construction standards, zoning and
27 subdivision requirements, and regulations of each municipality in

1 whose corporate limits or extraterritorial jurisdiction the road
2 project is located.

3 (b) If a road project is not located in the corporate limits
4 or extraterritorial jurisdiction of a municipality, the road
5 project must meet all applicable construction standards,
6 subdivision requirements, and regulations of each county in which
7 the road project is located.

8 (c) If the state will maintain and operate the road, the
9 Texas Transportation Commission must approve the plans and
10 specifications of the road project.

11 Sec. 7923.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
12 OR RESOLUTION. (a) The district shall comply with all applicable
13 requirements of any ordinance or resolution that is adopted under
14 Section 54.016 or 54.0165, Water Code, and that consents to the
15 creation of the district or to the inclusion of land in the
16 district.

17 (b) Section 54.016(f), Water Code, does not apply to the
18 district.

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 7923.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
21 district may issue, without an election, bonds and other
22 obligations secured by:

- 23 (1) revenue other than ad valorem taxes; or
24 (2) contract payments described by Section 7923.153.

25 (b) The district must hold an election in the manner
26 provided by Chapters 49 and 54, Water Code, to obtain voter approval
27 before the district may impose an ad valorem tax or issue bonds

1 payable from ad valorem taxes.

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

6 Sec. 7923.152. OPERATION AND MAINTENANCE TAX. (a) If
7 authorized at an election held under Section 7923.151, the district
8 may impose an operation and maintenance tax on taxable property in
9 the district in accordance with Section 49.107, Water Code.

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

12 Sec. 7923.153. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax and use the revenue derived from
15 the tax to make payments under a contract after the provisions of
16 the contract have been approved by a majority of the district voters
17 voting at an election held for that purpose.

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

21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22 Sec. 7923.201. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. The district may issue bonds or other obligations
24 payable wholly or partly from ad valorem taxes, impact fees,
25 revenue, contract payments, grants, or other district money, or any
26 combination of those sources, to pay for any authorized district
27 purpose.

1 Sec. 7923.202. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 board shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 Sec. 7923.203. BONDS FOR ROAD PROJECTS. At the time of
8 issuance, the total principal amount of bonds or other obligations
9 issued or incurred to finance road projects and payable from ad
10 valorem taxes may not exceed one-fourth of the assessed value of the
11 real property in the district.

12 SECTION 2. The Kaufman County Municipal Utility District
13 No. 15 initially includes all the territory contained in the
14 following area:

15 BEING a tract of land situated in the J.S. Ramsey Survey, Abstract
16 No. 414, Kaufman County, Texas and being a part of a called 352.487
17 acre tract of land as partitioned and set apart unto Gordon T. West
18 and unto Ellen Brodes West as described in Section II, Item 1 in a
19 Partition Deed, dated June 6, 1961 and recorded in Volume 441, Page
20 305 of the Deed Records of Kaufman County, Texas Deed Records,
21 Kaufman County, Texas and being more particularly described by
22 metes and bounds as follows:

23 BEGINNING at a 60-D Nail set in the intersection of the East line of
24 F.M. 740 (Forney-Seagoville Highway) with the projected centerline
25 of a County Road 205, also known as Pecan Drive and being the
26 Southwest corner of Colonial Acres, an addition to Kaufman County,
27 Texas, according to the plat thereof recorded in Volume 5, Page 1 of

1 the Plat Records of Kaufman County, Texas, and being on the
2 Northeast line of the before mentioned 352.487 acre tract;
3 THENCE along said centerline of Pecan Drive and along the common
4 line of the 352.487 acre tract and Colonial Acres Addition, South 44
5 degrees 28 minutes 48 seconds East, a distance of 4,416.90 feet to a
6 60-D Nail set on the Northwest line of the 5.7838 acre tract of land
7 described in deed to the State of Texas for F.M. Highway 548,
8 recorded in Volume 1698, Page 0170 of the Deed Records of Kaufman
9 County, Texas:

10 THENCE with the Northwest line of the said 5.7838 acre tract as
11 follows:

12 South 45 degrees 59 minutes 59 seconds West, a distance of 262.20
13 feet to a 1/2" iron rod set for corner;

14 North 44 degrees 00 minutes 01 seconds West, a distance of 10.00
15 feet to a 5/8" aluminum cap iron rod found for corner;

16 South 45 degrees 59 minutes 59 seconds West, a distance of 1,115.79
17 feet to a 1/2" yellow capped iron rod found marked #5439 for corner;

18 South 44 degrees 00 minutes 01 seconds East, a distance of 10.00
19 feet to a 1/2" iron rod set for corner;

20 South 46 degrees 05 minutes 00 seconds West, a distance of 459.27
21 feet to a 5/8" iron rod found for corner;

22 North 44 degrees 11 minutes 55 seconds West, a distance of 10.1 feet
23 to a 5/8" iron rod found for corner;

24 South 46 degrees 04 minutes 27 seconds West, a distance of 1,279.66
25 feet to a 5/8" yellow capped iron rod found marked #5647 for corner;

26 South 44 degrees 07 minutes 50 seconds East, a distance of 10.04
27 feet to a 5/8" yellow capped iron rod found for corner;

1 South 46 degrees 05 minutes 43 seconds West, a distance of 846.89
2 feet to a Tx Dot Aluminum Monument Found for corner;
3 THENCE along the Southwest line of said 352.487 acre tract and
4 generally along the Northeast line of Bederkesa Addition, an
5 addition to Kaufman County, Texas, according to the plat thereof
6 recorded in Cabinet 1, Page 399 (Volume 9, Page 11) of the Plat
7 Records of Kaufman County, Texas and Bederkesa Addition. Section
8 No. 2, an addition to Kaufman County, Texas, according to the plat
9 thereof recorded in Cabinet 1, Page 561 of the Plat Records of
10 Kaufman County, Texas, North 44 degrees 30 minutes 13 seconds West
11 (Directional Control), a distance 3,509.65 feet to a 1/2" yellow
12 capped iron rod found on the Southeast line of F. M. Highway 740;
13 THENCE Northeasterly, along the Southeasterly line of said F.M.
14 Highway 740, as follows:
15 North 39 degrees 32 minutes 10 seconds East, a distance of 438.24
16 feet to a 1/2" iron rod set for corner;
17 North 39 degrees 50 minutes 10 seconds East, a distance of 600.07
18 feet to a 1/2" iron rod set for corner;
19 North 39 degrees 42 minutes 08 seconds East, a distance of 538.10
20 feet to the beginning of a curve to the right, a 1/2" yellow capped
21 iron rod found;
22 Northeasterly, along said curve to the right, through a central
23 angle of 39 degrees 44 minutes 59 seconds, having a radius of 333.93
24 feet and a chord bearing and distance of North 59 degrees 36 minutes
25 58 seconds East, 227.05 feet, an arc length of 231.67 feet to the
26 end of said curve, a 1/2" yellow capped iron rod found;
27 North 79 degrees 29 minutes 27 seconds East, a distance of 369.21

1 feet to the beginning of a curve to the left, a 1/2" yellow capped
2 iron rod found;
3 Northeasterly, along said curve to the left, through a central
4 angle of 67 degrees 30 minutes 03 seconds, having a radius of 320.10
5 feet and a chord bearing and distance of North 45 degrees 44 minutes
6 26 seconds East, 355.68 feet, an arc length of 377.11 feet to the
7 end of said curve, a 1/2" yellow capped iron rod found;
8 North 11 degrees 58 minutes 48 seconds East, a distance of 598.31
9 feet to a 1/2" iron rod set for corner;
10 North 12 degrees 18 minutes 48 seconds East, a distance of 800.13
11 feet to a 1/2" iron rod set for corner;
12 North 11 degrees 39 minutes 48 seconds East, a distance of 120.19
13 feet to the beginning of a curve to the right, a 1/2" iron rod set;
14 Northeasterly, along said curve to the right, through a central
15 angle of 03 degrees 09 minutes 50 seconds, having a radius of
16 4,382.85 and a chord bearing and distance of North 12 degrees 06
17 minutes 03 seconds East, 241.98 feet, an arc length of 242.01 feet
18 to the POINT OF BEGINNING and CONTAINING 336.4 acres of land of
19 which approximately 2.5 acres lies within Pecan Drive.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

11 SECTION 4. (a) If this Act does not receive a two-thirds
12 vote of all the members elected to each house, Subchapter C, Chapter
13 7923, Special District Local Laws Code, as added by Section 1 of
14 this Act, is amended by adding Section 7923.106 to read as follows:

15 Sec. 7923.106. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

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

20 SECTION 5. This Act takes effect September 1, 2015.