

AN ACT

relating to the powers and duties of the Montgomery County Municipal Utility District No. 111 and to the creation of the F.M. 2920/Becker Road Municipal Utility District of Harris County; granting a limited power of eminent domain; providing authority to issue bonds and impose fees, assessments, 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 8390 to read as follows:

CHAPTER 8390. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 111

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8390.001. DEFINITION. In this chapter, "district" means the Montgomery County Municipal Utility District No. 111.

Sec. 8390.002. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

1                   SUBCHAPTER B. POWERS AND DUTIES

2           Sec. 8390.051. GENERAL POWERS AND DUTIES. The district has  
3 the powers and duties necessary to accomplish the purposes for  
4 which the district is created.

5           Sec. 8390.052. MUNICIPAL UTILITY DISTRICT POWERS AND  
6 DUTIES. The district has the powers and duties provided by the  
7 general law of this state, including Chapters 49 and 54, Water Code,  
8 applicable to municipal utility districts created under Section 59,  
9 Article XVI, Texas Constitution.

10          Sec. 8390.053. AUTHORITY FOR ROAD PROJECTS. Under Section  
11 52, Article III, Texas Constitution, the district may design,  
12 acquire, construct, finance, issue bonds for, improve, operate,  
13 maintain, and convey to this state, a county, or a municipality for  
14 operation and maintenance macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16          Sec. 8390.054. ROAD STANDARDS AND REQUIREMENTS. (a) A  
17 road project must meet all applicable construction standards,  
18 zoning and subdivision requirements, and regulations of each  
19 municipality in whose corporate limits or extraterritorial  
20 jurisdiction the road project is located.

21          (b) If a road project is not located in the corporate limits  
22 or extraterritorial jurisdiction of a municipality, the road  
23 project must meet all applicable construction standards,  
24 subdivision requirements, and regulations of each county in which  
25 the road project is located.

26          (c) If the state will maintain and operate the road, the  
27 Texas Transportation Commission must approve the plans and

1 specifications of the road project.

2 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

3 Sec. 8390.101. AUTHORITY TO ISSUE BONDS AND OTHER  
4 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds  
5 or other obligations payable wholly or partly from ad valorem  
6 taxes, impact fees, revenue, contract payments, grants, or other  
7 district money, or any combination of those sources, to pay for a  
8 road project authorized by Section 8390.053.

9 (b) 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 (c) At the time of issuance, the total principal amount of  
14 bonds or other obligations issued or incurred to finance road  
15 projects and payable from ad valorem taxes may not exceed  
16 one-fourth of the assessed value of the real property in the  
17 district.

18 Sec. 8390.102. TAXES FOR BONDS. At the time the district  
19 issues bonds payable wholly or partly from ad valorem taxes, the  
20 district shall provide for the annual imposition of a continuing  
21 direct ad valorem tax, without limit as to rate or amount, while all  
22 or part of the bonds are outstanding as required and in the manner  
23 provided by Sections 54.601 and 54.602, Water Code.

24 SECTION 2. The Montgomery County Municipal Utility District  
25 No. 111 retains all rights, powers, privileges, authority, duties,  
26 and functions that it had before the effective date of this Act.

27 SECTION 3. Subtitle F, Title 6, Special District Local Laws

1 Code, is amended by adding Chapter 7950 to read as follows:

2 CHAPTER 7950. F.M. 2920/BECKER ROAD MUNICIPAL UTILITY DISTRICT OF  
3 HARRIS COUNTY

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 7950.001. DEFINITIONS. In this chapter:

6 (1) "Board" means the district's board of directors.

7 (2) "Commission" means the Texas Commission on  
8 Environmental Quality.

9 (3) "Director" means a board member.

10 (4) "District" means the F.M. 2920/Becker Road  
11 Municipal Utility District of Harris County.

12 Sec. 7950.002. NATURE OF DISTRICT. The district is a  
13 municipal utility district created under Section 59, Article XVI,  
14 Texas Constitution.

15 Sec. 7950.003. CONFIRMATION AND DIRECTORS' ELECTION  
16 REQUIRED. The temporary directors shall hold an election to  
17 confirm the creation of the district and to elect five permanent  
18 directors as provided by Section 49.102, Water Code.

19 Sec. 7950.004. CONSENT OF MUNICIPALITY REQUIRED. The  
20 temporary directors may not hold an election under Section 7950.003  
21 until each municipality in whose corporate limits or  
22 extraterritorial jurisdiction the district is located has  
23 consented by ordinance or resolution to the creation of the  
24 district and to the inclusion of land in the district.

25 Sec. 7950.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

26 (a) The district is created to serve a public purpose and benefit.

27 (b) The district is created to accomplish the purposes of:

1           (1) a municipal utility district as provided by  
2 general law and Section 59, Article XVI, Texas Constitution; and

3           (2) Section 52, Article III, Texas Constitution, that  
4 relate to the construction, acquisition, improvement, operation,  
5 or maintenance of macadamized, graveled, or paved roads, or  
6 improvements, including storm drainage, in aid of those roads.

7           Sec. 7950.006. INITIAL DISTRICT TERRITORY. (a) The  
8 district is initially composed of the territory described by  
9 Section 4 of the Act enacting this chapter.

10           (b) The boundaries and field notes contained in Section 4 of  
11 the Act enacting this chapter form a closure. A mistake made in the  
12 field notes or in copying the field notes in the legislative process  
13 does not affect the district's:

14                   (1) organization, existence, or validity;

15                   (2) right to issue any type of bond for the purposes  
16 for which the district is created or to pay the principal of and  
17 interest on a bond;

18                   (3) right to impose a tax; or

19                   (4) legality or operation.

20                   SUBCHAPTER B. BOARD OF DIRECTORS

21           Sec. 7950.051. GOVERNING BODY; TERMS. (a) The district is  
22 governed by a board of five elected directors.

23           (b) Except as provided by Section 7950.052, directors serve  
24 staggered four-year terms.

25           Sec. 7950.052. TEMPORARY DIRECTORS. (a) The temporary  
26 board consists of:

27                   (1) Brian Toldan;

1           (2) Elva Composto;

2           (3) Hudson Kennedy;

3           (4) Josh Rambo; and

4           (5) Michael Others.

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

6           (1) the date permanent directors are elected under  
7 Section 7950.003; or

8           (2) the fourth anniversary of the effective date of  
9 the Act enacting this chapter.

10          (c) If permanent directors have not been elected under  
11 Section 7950.003 and the terms of the temporary directors have  
12 expired, successor temporary directors shall be appointed or  
13 reappointed as provided by Subsection (d) to serve terms that  
14 expire on the earlier of:

15          (1) the date permanent directors are elected under  
16 Section 7950.003; or

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

19          (d) If Subsection (c) applies, the owner or owners of a  
20 majority of the assessed value of the real property in the district  
21 may submit a petition to the commission requesting that the  
22 commission appoint as successor temporary directors the five  
23 persons named in the petition. The commission shall appoint as  
24 successor temporary directors the five persons named in the  
25 petition.

26                           SUBCHAPTER C. POWERS AND DUTIES

27           Sec. 7950.101. GENERAL POWERS AND DUTIES. The district has

1 the powers and duties necessary to accomplish the purposes for  
2 which the district is created.

3 Sec. 7950.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
4 DUTIES. The district has the powers and duties provided by the  
5 general law of this state, including Chapters 49 and 54, Water Code,  
6 applicable to municipal utility districts created under Section 59,  
7 Article XVI, Texas Constitution.

8 Sec. 7950.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
9 52, Article III, Texas Constitution, the district may design,  
10 acquire, construct, finance, issue bonds for, improve, operate,  
11 maintain, and convey to this state, a county, or a municipality for  
12 operation and maintenance macadamized, graveled, or paved roads, or  
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 7950.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
15 road project must meet all applicable construction standards,  
16 zoning and subdivision requirements, and regulations of each  
17 municipality in whose corporate limits or extraterritorial  
18 jurisdiction the road project is located.

19 (b) If a road project is not located in the corporate limits  
20 or extraterritorial jurisdiction of a municipality, the road  
21 project must meet all applicable construction standards,  
22 subdivision requirements, and regulations of each county in which  
23 the road project is located.

24 (c) If the state will maintain and operate the road, the  
25 Texas Transportation Commission must approve the plans and  
26 specifications of the road project.

27 Sec. 7950.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

1 OR RESOLUTION. The district shall comply with all applicable  
2 requirements of any ordinance or resolution that is adopted under  
3 Section 54.016 or 54.0165, Water Code, and that consents to the  
4 creation of the district or to the inclusion of land in the  
5 district.

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 7950.151. ELECTIONS REGARDING TAXES OR BONDS.

8 (a) The district may issue, without an election, bonds and other  
9 obligations secured by:

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

11 (2) contract payments described by Section 7950.153.

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

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

20 Sec. 7950.152. OPERATION AND MAINTENANCE TAX. (a) If

21 authorized at an election held under Section 7950.151, the district  
22 may impose an operation and maintenance tax on taxable property in  
23 the district in accordance with Section 49.107, Water Code.

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

26 Sec. 7950.153. CONTRACT TAXES. (a) In accordance with

27 Section 49.108, Water Code, the district may impose a tax other than



1 an operation and maintenance tax and use the revenue derived from  
2 the tax to make payments under a contract after the provisions of  
3 the contract have been approved by a majority of the district voters  
4 voting at an election held for that purpose.

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

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 7950.201. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, contract payments, grants, or other district money, or any  
13 combination of those sources, to pay for any authorized district  
14 purpose.

15 Sec. 7950.202. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 board shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while all  
19 or part of the bonds are outstanding as required and in the manner  
20 provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 7950.203. BONDS FOR ROAD PROJECTS. At the time of  
22 issuance, the total principal amount of bonds or other obligations  
23 issued or incurred to finance road projects and payable from ad  
24 valorem taxes may not exceed one-fourth of the assessed value of the  
25 real property in the district.

26 SECTION 4. The F.M. 2920/Becker Road Municipal Utility  
27 District of Harris County initially includes all the territory

1 contained in the following area:

2 FIELD NOTES FOR A 143.175 ACRE TRACT BEING THE RESIDUE OF THE SAME  
3 TRACT THAT IS DESCRIBED AS 145.507 ACRES IN THE DEED RECORDED IN  
4 HARRIS COUNTY CLERK'S FILE NO. L295708 (SAVE AND EXCEPT A 2.381 ACRE  
5 TRACT CONVEYED OUT IN THE DEED RECORDED IN CLERK'S FILE  
6 No. 2012449130), AND BEING LOCATED IN THE HARRIS COUNTY SCHOOL  
7 LANDS, SECTION 29, ABSTRACT 333, HARRIS COUNTY, TEXAS.

8 BEGINNING: At a concrete monument found for the Northeast corner  
9 of this 143.175 acre tract (and the above described 145.507 acre  
10 tract) as located at the intersection of the South line of  
11 Farm-to-Market Road 2920 (100 foot width) with the West  
12 right-of-way line of Becker Road (66 foot width);

13 THENCE: South 01° 29' 57" East with the West line of Becker Road a  
14 distance of 493.80 feet to a 1/2 inch iron rod found for the  
15 Southeast corner of this 143.175 acre tract and also being the  
16 Northeast corner of an adjoining 5.000 acre tract (Clerk's File  
17 No. T129332);

18 THENCE: South 88° 10' 30" West a distance of 900.00 feet along  
19 the North line of the 5.000 acre tract to a 2 inch iron pipe found  
20 for the Northwest corner of the 5.000 acre tract and also being an  
21 interior corner of this 143.175 acre tract;

22 THENCE: South 01° 31' 24" East with the West line of the 5.000  
23 acre tract and a West line of a called 24.287 acre tract (Clerk's  
24 File No. T129332) a distance of 842.21 feet to a 2 inch iron pipe  
25 found for an interior corner of the 24.287 acre tract and also a  
26 lower Southeast corner of this tract;

27 THENCE: South 88° 12' 00" West at distance of 2300.24 feet with a

1 North line of the called 24.287 acre tract and a South line of this  
2 143.175 acre tract passing a 2 inch iron pipe found for a Northwest  
3 corner of the called 24.287 acre tract and the Northeast corner of a  
4 2.381 acre tract (Clerk's File No. 2012449130) and continuing on  
5 for a total distance of 2768.46 feet to a 1/2 inch iron rod found for  
6 the Southwest corner of this tract and the Northwest corner of the  
7 2.381 acre tract;

8 THENCE: North 02° 05' 14" West with the West line of this tract  
9 and the East line of a called 100.00 acre tract (Clerk's File  
10 No. F053682), said 100.00 acre tract has been subdivided into Adams  
11 Plaza Subdivision (unrecorded); a distance of 1998.21 feet to a 1/2  
12 inch iron rod found for the Southwest corner of a 1.000 acre tract  
13 (Clerk's File NO. S770247);

14 THENCE: North 88° 21' 15" East a distance of 100.00 feet along the  
15 South line of the 1.000 acre tract to a 1/2 inch iron rod found for  
16 the Southeast corner of the 1.000 acre tract and being an interior  
17 corner of this 143.175 acre tract;

18 THENCE: North 02° 05' 14" West a distance of 435.21 feet along the  
19 East line of the 1.000 acre tract to a 5/8 inch iron road and cap  
20 found for the Northeast corner of the 1.000 acre tract and the  
21 Northwest corner of this 143.175 acre tract, said corner is located  
22 in the South right-of-way line of F.M. 2920;

23 THENCE: North 88° 21' 15" East a distance of 361.28 feet with the  
24 South line of F.M. 2920 to a concrete monument found for a P.C. of a  
25 curve;

26 THENCE: Continuing along the South line of F.M. 2920 with a curve  
27 to the right having a radius of 2241.86 feet and a curve length of

1 1397.11 feet to a concrete monument found at the curve's P.T.; said  
2 curve is subtended by a chord that bears South 73° 50' 17" East a  
3 distance of 1374.61 feet;

4 THENCE: South 55° 58' 14" East a distance of 394.51 feet along the  
5 South right-of-way line of F.M. 2920 to a concrete monument found  
6 for a P.C. of a curve;

7 THENCE: Following the South right-of-way line of F.M. 2920 along  
8 a curve to the left having a radius of 2341.86 feet and a curve  
9 length of 1470.77 feet to a concrete monument found for the P.T. of  
10 the curve; said curve is subtended by a chord that bears South 73°  
11 59' 04" East a distance of 1446.72 feet;

12 THENCE: North 87° 45' 25" East a distance of 221.23 feet along the  
13 South right-of-way line of F.M 2920 to the PLACE OF BEGINNING and  
14 containing 143.175 acres of land.

15 SECTION 5. (a) If this Act does not receive a two-thirds  
16 vote of all the members elected to each house, Subchapter C, Chapter  
17 7950, Special District Local Laws Code, as added by Section 1 of  
18 this Act, is amended by adding Section 7950.106 to read as follows:

19 Sec. 7950.106. NO EMINENT DOMAIN POWER. The district may  
20 not exercise the power of eminent domain.

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

24 SECTION 6. (a) The legal notice of the intention to  
25 introduce this Act, setting forth the general substance of this  
26 Act, has been published as provided by law, and the notice and a  
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished  
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3 Government Code.

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

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

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

15 SECTION 7. 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.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2002 passed the Senate on May 8, 2015, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 30, 2015, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2002 passed the House, with amendment, on May 27, 2015, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor