

1-1 By: Kolkhorst S.B. No. 2007
1-2 (In the Senate - Filed March 23, 2015; April 7, 2015, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 29, 2015, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 29, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Fort Bend County Municipal Utility
1-18 District No. 219; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 7922 to read as follows:

1-24 CHAPTER 7922. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 219

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7922.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Fort Bend County Municipal
1-32 Utility District No. 219.

1-33 Sec. 7922.002. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 7922.003. CONFIRMATION AND DIRECTORS' ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7922.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 7922.003
1-42 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 7922.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 7922.006. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act enacting this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7922.051. GOVERNING BODY; TERMS. (a) The district is
 2-9 governed by a board of five elected directors.
 2-10 (b) Except as provided by Section 7922.052, directors serve
 2-11 staggered four-year terms.

2-12 Sec. 7922.052. TEMPORARY DIRECTORS. (a) On or after the
 2-13 effective date of the Act enacting this chapter, the owner or owners
 2-14 of a majority of the assessed value of the real property in the
 2-15 district may submit a petition to the commission requesting that
 2-16 the commission appoint as temporary directors the five persons
 2-17 named in the petition. The commission shall appoint as temporary
 2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:
 2-20 (1) the date permanent directors are elected under
 2-21 Section 7922.003; or
 2-22 (2) the fourth anniversary of the effective date of
 2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under
 2-25 Section 7922.003 and the terms of the temporary directors have
 2-26 expired, successor temporary directors shall be appointed or
 2-27 reappointed as provided by Subsection (d) to serve terms that
 2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under
 2-30 Section 7922.003; or
 2-31 (2) the fourth anniversary of the date of the
 2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a
 2-34 majority of the assessed value of the real property in the district
 2-35 may submit a petition to the commission requesting that the
 2-36 commission appoint as successor temporary directors the five
 2-37 persons named in the petition. The commission shall appoint as
 2-38 successor temporary directors the five persons named in the
 2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7922.101. GENERAL POWERS AND DUTIES. The district has
 2-42 the powers and duties necessary to accomplish the purposes for
 2-43 which the district is created.

2-44 Sec. 7922.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-45 DUTIES. The district has the powers and duties provided by the
 2-46 general law of this state, including Chapters 49 and 54, Water Code,
 2-47 applicable to municipal utility districts created under Section 59,
 2-48 Article XVI, Texas Constitution.

2-49 Sec. 7922.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-50 52, Article III, Texas Constitution, the district may design,
 2-51 acquire, construct, finance, issue bonds for, improve, operate,
 2-52 maintain, and convey to this state, a county, or a municipality for
 2-53 operation and maintenance macadamized, graveled, or paved roads, or
 2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 7922.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-56 road project must meet all applicable construction standards,
 2-57 zoning and subdivision requirements, and regulations of each
 2-58 municipality in whose corporate limits or extraterritorial
 2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits
 2-61 or extraterritorial jurisdiction of a municipality, the road
 2-62 project must meet all applicable construction standards,
 2-63 subdivision requirements, and regulations of each county in which
 2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the
 2-66 Texas Transportation Commission must approve the plans and
 2-67 specifications of the road project.

2-68 Sec. 7922.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the
3-3 creation of the district or to the inclusion of land in the
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 7922.151. ELECTIONS REGARDING TAXES OR BONDS.

3-7 (a) The district may issue, without an election, bonds and other
3-8 obligations secured by:

- 3-9 (1) revenue other than ad valorem taxes; or
- 3-10 (2) contract payments described by Section 7922.153.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 7922.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7922.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 7922.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 7922.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 7922.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 7922.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Fort Bend County Municipal Utility District
3-53 No. 219 initially includes all the territory contained in the
3-54 following area:

3-55 434.541 Acres of Land, being out of the Rich/Gerner Joint
3-56 Venture Tract (Volume 1645, Page 762 and 771 of the Official Records
3-57 of Fort Bend County, Texas), being 191.354 Acres, more or less, in
3-58 the William Andrews League, Abstract 3 and 243.187 Acres, more or
3-59 less, in the Samuel Isaacs League, Abstract 35, Fort Bend County,
3-60 Texas.

3-61 Beginning at a 5/8 inch capped iron rod set on the East side
3-62 of a 20 inch Dead Elm Tree Stump marking the East line of said
3-63 William Andrews League, Abstract 3 and in the West line of the
3-64 Samuel Isaacs League, Abstract 35; said corner marking the
3-65 Southwest corner of the original Wessendorff Cattle Company call
3-66 353.9 Acre Tract ; said corner being a re-entrant corner of and the
3-67 Place of Beginning for this tract;

3-68 THENCE, South 76deg.34'10" East, along a fence line, 722.0
3-69 feet to a 5/8 inch capped iron rod set for angle point;

4-1 THENCE, South 85deg.43'40" East, along a fence line, 1138.92
4-2 feet to a 5/8 inch capped iron rod set for angle point;
4-3 THENCE, South 62deg.10'45" East, along a fence line, 2465.24
4-4 feet to a 5/8 inch ironrod found marking the Southerly Northeast
4-5 corner of this tract;
4-6 THENCE, South 00deg.15'10" West, along a fence line, 983.2
4-7 feet to a 7/8 inch iron pipe found marking the Easterly Southeast
4-8 corner of this tract;
4-9 THENCE, West, along the remains of an old fence line, at
4-10 1612.76 feet pass a 5/8 inch capped iron rod set, in all 1690.18
4-11 feet to a point on the centerline of Jones Creek for corner;
4-12 THENCE, Southerly and Westerly along the centerline of Jones
4-13 Creek with the following courses and distances: South 25deg.42'30"
4-14 East, 65.54 feet to a point for angle; South 05deg.33'10" East, 66.3
4-15 feet to a point for angle; South 01deg.28'10" West, 281.0 feet to a
4-16 point for angle; South 00deg.53'10" East, 281.9 feet to a point for
4-17 angle; South 01deg.23'10" West, 300.3 feet to a point for angle;
4-18 South 25deg.56' West, 223.92 feet to a point for angle; South
4-19 28deg.41'56" West, 74.64 feet to a point for angle; South
4-20 42deg.51'40" West, 158.01 feet to a point for angle; South
4-21 59deg.13'30" West, 314.29 feet to a point for angle; South
4-22 83deg.40'10" West, 199.21 feet to a point for angle; North
4-23 85deg.52'10" West, 242.08 feet to a point for angle; North
4-24 65deg.06'40" West, 404.61 feet to a point for angle; North
4-25 66deg.13'50" West, 288.86 feet to a point for angle; North
4-26 68deg.29'40" West, 276.58 feet to a point for angle; North
4-27 76deg.44'10" West, 329.15 feet to a point for angle; North
4-28 84deg.50'13" West, at 185.47 feet pass said League Line, in all
4-29 217.53 feet to point for angle; South 74deg.09'50" West, 240.65
4-30 feet to a point for angle; South 72deg.34' West, 288.63 feet to a
4-31 point for angle; South 66deg.01' West, 358.92 feet to a point for
4-32 angle; South 55deg.39'35" West, 247.4 feet to a point for angle;
4-33 South 39deg.03'20" West, 173.21 feet to a point for angle; South
4-34 41deg.49'10" West, 179.19 feet to a point for angle; South
4-35 37deg.11'32" West, 40.32 feet to a point for the most Southerly
4-36 South corner of this tract;
4-37 THENCE, North 61deg.55'43" West, leaving said Jones Creek,
4-38 and along the centerline of a Drainage Ditch, 116.46 feet to a
4-39 point for angle;
4-40 THENCE, continuing Northwesterly along the centerline of
4-41 said Drainage Ditch with the following courses and distances: North
4-42 28deg.40'03" West, 71.03 feet to a point for angle; North
4-43 36deg.45'31" West, 104.1 feet to a point for angle; North
4-44 34deg.34'37" West, 217.76 feet to a 1/2 inch iron pipe found for
4-45 angle; South 55deg.56'57" West, 66.86 feet to a 1/2 inch iron pipe
4-46 found for angle; North 55deg.14'54" West, 87.37 feet to a 1/2 inch
4-47 iron pipe found for angle; North 27deg.56'22" West, 61.11 feet to a
4-48 1/2 inch iron pipe found for angle; North 38deg.36'05" West, 224.52
4-49 feet to a 1/2 inch iron pipe found for angle; North 79deg.00'35"
4-50 West, 100.44 feet to a capped 1/2 inch iron rod found for angle;
4-51 THENCE, North 00deg.07'56" West, leaving said Ditch, 196.65
4-52 feet to a 1/2 inch iron pipe found for corner;
4-53 THENCE, South 89deg.53'10" East, along a fence line, 360.59
4-54 feet to a 5/8 inch capped iron rod set for corner;
4-55 THENCE, North 00deg.58'40" West, along a fence line 747.67
4-56 feet to a 5/8 inch capped iron rod set marking a re-entrant corner
4-57 of this tract; said corner also marks the Northeast corner of the
4-58 original John Rosenbush Tract recorded in Volume 352, Page 184 of
4-59 the Deed Records;
4-60 THENCE, South 89deg.46'50" West, along a fence line, 1505.0
4-61 feet to a 5/8 inch capped iron rod set at corner post marking the
4-62 Westerly Southwest corner of this tract;
4-63 THENCE, North 00deg.13'55" East, along the East right-of-way
4-64 line of State Farm Market Road No. 723, 896.28 feet to a 5/8 inch
4-65 capped iron rod set at corner post marking the Westerly Northwest
4-66 corner of this tract;
4-67 THENCE, South 89deg.37'28" East, along a fence line,
4-68 1557.35 feet to a 1/2 inch iron pipe found marking another
4-69 re-entrant corner of this tract;

