

By: Kolkhorst

S.B. No. 2010

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 20; 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 7928 to read as follows:

CHAPTER 7928. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 20

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7928.001. 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 Waller County Municipal Utility District No. 20.

Sec. 7928.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7928.003. 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. 7928.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7928.003  
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. 7928.005. 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. 7928.006. 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. 7928.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7928.052, directors serve  
6 staggered four-year terms.

7           Sec. 7928.052. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) Monica L. Pena;

10                  (2) Rafael Garcia;

11                  (3) Walker French;

12                  (4) Michael Cole; and

13                  (5) Adam Selwyn.

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

15                   (1) the date permanent directors are elected under  
16 Section 7928.003; 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 7928.003 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 7928.003; 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. 7928.101. 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. 7928.102. 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. 7928.103. 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. 7928.104. 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       Sec. 7928.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
10 OR RESOLUTION. The district shall comply with all applicable  
11 requirements of any ordinance or resolution that is adopted under  
12 Section 54.016 or 54.0165, Water Code, and that consents to the  
13 creation of the district or to the inclusion of land in the  
14 district.

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 7928.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
17 district may issue, without an election, bonds and other  
18 obligations secured by:

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

20               (2) contract payments described by Section 7928.153.

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

25       (c) The district may not issue bonds payable from ad valorem  
26 taxes to finance a road project unless the issuance is approved by a  
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 7928.152. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 7928.151, the district  
4 may impose an operation and maintenance tax on taxable property in  
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 7928.153. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 7928.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24 Sec. 7928.202. TAXES FOR BONDS. At the time the district  
25 issues bonds payable wholly or partly from ad valorem taxes, the  
26 board shall provide for the annual imposition of a continuing  
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner  
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 7928.203. BONDS FOR ROAD PROJECTS. At the time of  
4 issuance, the total principal amount of bonds or other obligations  
5 issued or incurred to finance road projects and payable from ad  
6 valorem taxes may not exceed one-fourth of the assessed value of the  
7 real property in the district.

8 SECTION 2. The Waller County Municipal Utility District No.  
9 20 initially includes all the territory contained in the following  
10 area:

11 Being a 809.20 acre tract of land in the W. Hillhouse Survey,  
12 Abstract 136, Waller County, Texas, the F.L. Smith Survey, Abstract  
13 252, Waller County, Texas, the D. Warren Survey, Abstract 394,  
14 Waller County, Texas, the W. Rogerson Survey, Abstract 245, Waller  
15 County, Texas, the R. Watson Survey, Abstract 271, Waller County,  
16 being out of a called 2023.4232 acre tract of land as recorded under  
17 Volume 883, Page 590 of the Real Property Records Waller County, and  
18 Montgomery County Clerk's File No. 2005-063061, and all of a called  
19 803.86 acre tract of land as recorded in Volume 1330, Page 226, of  
20 the Real Properties Records of Waller County, Texas. Said 809.20  
21 acre tract, being more particularly described as follows:

22 BEGINNING at 5/8" iron rod found for the southwesterly corner  
23 of the Remington Forest Subdivision as recorded in Volume 1278,  
24 Page 566 of the Map Records of Waller County, Texas, also being on  
25 the northerly line of FM 1488, and being a southeasterly corner of  
26 herein described tract;

27 THENCE S 87 deg. 27' 46" W along the northerly line of FM

1 1488, a distance of 1634.27 feet to the centerline of a creek, being  
2 the southwesterly corner of the herein described tract

3       THENCE across the said 2023.4232 and the said 803.86 acre  
4 tract as follows:

5               THENCE N 02deg10'05" W, a distance of 196.50' to a point  
6 for corner

7               THENCE N 33deg15'32" E, a distance of 378.47' to a point  
8 for corner

9               THENCE N 10deg42'18" W, a distance of 566.69' to a point  
10 for corner

11              THENCE N 08deg13'31" W, a distance of 1330.08' to a  
12 point for corner

13              THENCE N 08deg13'31" W, a distance of 417.47' to a point  
14 for corner

15              THENCE N 41deg36'33" W, a distance of 292.69' to a point  
16 for corner

17              THENCE N 16deg33'53" E, a distance of 668.46' to a point  
18 for corner

19              THENCE N 02deg17'52" E, a distance of 899.56' to a point  
20 for corner

21              THENCE N 12deg09'48" E, a distance of 629.46' to a point  
22 for corner

23              THENCE N 46deg27'00" E, a distance of 923.73' to a point  
24 for corner

25              THENCE N 21deg57'56" E, a distance of 516.18' to a point  
26 for corner

27              THENCE N 48deg32'01" W, a distance of 265.75' to a point



1 for corner

2                   THENCE N 39deg11'23" E, a distance of 175.18' to a point

3 for corner

4                   THENCE with a curve turning to the right with an arc  
5 length of 1671.08', having a radius of 3500.00', a chord which bears  
6 N 52deg52'03" E, a chord length of 1655.25';

7                   THENCE N 66deg32'44" E, a distance of 498.48' to a point

8 for corner

9                   THENCE with a curve turning to the left with an arc  
10 length of 1904.28', having a radius of 2000.00', a chord which bears  
11 N 39deg16'07" E, a chord length of 1833.16',

12                  THENCE S 89deg46'05" E, a distance of 1403.20' to a point for  
13 corner in the westerly line of Ranch Crest subdivision, a  
14 subdivision recorded in Cabinet Z, Sheet 1741 of the Real Property  
15 Records of Montgomery County, Texas

16                  THENCE S 01 deg. 38' 07" E along the easterly line the said  
17 803.86 acre tract, a distance of 7575.75 feet to a 5/8" iron rod  
18 found for the southeasterly corner of said 803.86 acre tract, also  
19 being the northeasterly corner of Remington Forest Section 1, and  
20 being a corner of herein described tract;

21                  THENCE along the northerly line of Remington Forest Section 1  
22 as follows:

23                   THENCE N 71deg19'31" W, a distance of 175.38' to a point  
24 for corner

25                   THENCE N 80deg21'54" W, a distance of 315.27' to a point  
26 for corner

27                   THENCE S 75deg59'54" W, a distance of 89.70' to a point

1 for corner  
2                   THENCE N 81deg44'54" W, a distance of 110.31' to a point  
3 for corner  
4                   THENCE S 79deg04'39" W, a distance of 153.54' to a point  
5 for corner  
6                   THENCE N 67deg55'32" W, a distance of 323.68' to a point  
7 for corner  
8                   THENCE S 43deg05'21" W, a distance of 324.47' to a point  
9 for corner  
10                  THENCE N 46deg54'59" W, a distance of 73.97' to a point  
11 for corner  
12                  THENCE S 43deg05'06" W, a distance of 70.00' to a point  
13 for corner  
14                  THENCE S 87deg28'04" W, a distance of 2210.19' to a  
15 point for corner  
16                  THENCE N 34deg51'23" W, a distance of 40.47' to a point  
17 for corner  
18                  THENCE N 01deg06'12" E, a distance of 140.75' to a point  
19 for corner  
20                  THENCE S 50deg40'50" W, a distance of 149.29' to a point for  
21 corner being the northwesterly corner of Remington Forest Section 1  
22                  THENCE along the westerly line of Remington Forest  
23 Subdivision, S 03 deg. 10' 26" E, a distance of 1508.02 feet to the  
24 POINT OF BEGINNING, and containing 809.20 acres of land, more or  
25 less.

26                  SECTION 3. (a) The legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

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

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

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

17 SECTION 4. (a) If this Act does not receive a two-thirds  
18 vote of all the members elected to each house, Subchapter C, Chapter  
19 7928, Special District Local Laws Code, as added by Section 1 of  
20 this Act, is amended by adding Section 7928.106 to read as follows:

21 Sec. 7928.106. NO EMINENT DOMAIN POWER. The district may  
22 not exercise the power of eminent domain.

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

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2015.