

By: Kolkhorst

S.B. No. 2011

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 21; 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 7929 to read as follows:

CHAPTER 7929. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 21

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7929.001. 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. 21.

Sec. 7929.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7929.003. 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. 7929.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7929.003
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. 7929.005. 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. 7929.006. 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. 7929.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7929.052, directors serve
6 staggered four-year terms.

7 Sec. 7929.052. 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 7929.003; 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 7929.003 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 7929.003; 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. 7929.101. 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. 7929.102. 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. 7929.103. 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. 7929.104. 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. 7929.105. 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. 7929.151. 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 7929.153.

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. 7929.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 7929.151, 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. 7929.153. 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. 7929.201. 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. 7929.202. 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. 7929.203. 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 21 initially includes all the territory contained in the following
10 area:

11 Being a 794.46 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 794.46
21 acre tract, being more particularly described as follows:

22 BEGINNING at a 2" iron pipe found for the southeasterly
23 corner of a called 20.0 acre tract of land as recorded in Volume
24 1395, Page 146 of the Deed Records of Waller County, Texas;

25 THENCE N 03 deg. 35' 03" W along the easterly line of said
26 20.0 acre tract, also along the easterly line of a 90.0 acre tract
27 as recorded in Volume 1395, Page 146, of the Deed Records of Waller

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1 County, Texas, a distance of 3024.46 feet (passing at 2986.66' a 1"
2 iron pipe) to a 5/8" iron rod set for the northeasterly corner of
3 said 90.0 acre tract, also being the southeasterly corner of a
4 163.4756 acre tract as recorded in Volume 1395, Page 146, of the
5 Deed Records of Waller County, Texas also being the southwesterly
6 corner of a 14.995 acre tract as recorded in Volume 1395, Page 146,
7 of the Deed Records of Waller County, Texas, and being a
8 northwesterly corner of herein described tract;

9 THENCE N 87 deg. 24' 23" E along the southerly line of said
10 14.995 acre tract, also along a 26.503 acre tract as recorded in
11 Volume 252, Page 769 of the Deed Records of Waller County, Texas,
12 also along a 26.503 acre tract as recorded in Volume 1253, Page 806,
13 of the Deed Records of Waller County, Texas also along a 26.503 acre
14 tract as recorded in Volume 249, Page 704 of the Deed Records of
15 Montgomery County, Texas, a distance of 5061.12 feet to a 5/8" iron
16 rod set for the southwesterly corner of a called 8.807 acre tract of
17 land as recorded in Clerk's File No. 2005-063061 of the Real
18 Property Records of Montgomery County Texas, also being in the
19 southerly Right of Way of the Missouri Pacific Railroad, 150' Right
20 of way recorded in Volume 26, Page 320 of the Deed Records of
21 Montgomery County, Texas, and being a northerly corner of herein
22 described tract;

23 THENCE along the southerly line of the said 8.807 acre tract
24 and the Railroad Right of Way as follows:

25 S 43 deg 56' 21" E a distance of 830.35 feet to a 5/8"
26 iron rod set for corner

27 THENCE along a curve to the left with a radius of 2021.71

1 feet, a chord that bears S 51 deg 09' 41" E, a chord distance of
2 429.85' to a 5/8" iron rod set for in the westerly line of a called
3 62.677 acre tract of land as recorded in Montgomery County Clerk's
4 File No. 2006-059345, and being the most northerly northeast corner
5 of the herein described tract;

6 THENCE S 01 deg. 38' 08" E along the westerly line of the said
7 62.677 acre tract, a distance of 2542.42 feet to 5/8" iron rod
8 capped found for the northeasterly corner of a 803.86 acre tract as
9 recorded in Volume 1330, Page 226 of the Deed Records of Waller
10 County, Texas, also being the northwesterly corner of Ranch Crest
11 Subdivision, Section 2, as recorded under Montgomery County Map
12 Records in Cabinet Z, Sheet 1741, and being a corner of herein
13 described tract;

14 THENCE S 01 deg. 38' 07" E along the easterly line the said
15 803.86 acre tract, a distance of 1463.36 feet to the southeasterly
16 corner of the herein described tract

17 THENCE across the said 803.86 acre tract and the said
18 2023.4232 acre tract as follows:

19 THENCE N 89deg46'05" W, a distance of 1403.20' to a
20 point for corner

21 THENCE with a curve turning to the right with an arc
22 length of 1904.28', having a radius of 2000.00', a chord which
23 bears S 39deg16'07" W, a chord length of 1833.16';

24 THENCE S 66deg32'44" W, a distance of 498.48' to a point
25 for corner

26 THENCE with a curve turning to the left with an arc
27 length of 1671.08', having a radius of 3500.00', a chord which

1 bears S 52deg52'03" W, a chord length of 1655.25';

2 THENCE S 39deg11'23" W, a distance of 175.18' to a point
3 for corner

4 THENCE N 48deg32'01" W, a distance of 1741.71' to a
5 point for corner

6 THENCE N 01deg42'32" W, a distance of 291.80' to a point
7 for corner

8 THENCE N 50deg13'03" E, a distance of 936.60' to a point
9 for corner

10 THENCE N 37deg13'01" W, a distance of 1044.87' to a
11 point for corner

12 THENCE N 12deg11'39" W, a distance of 614.73' to a point
13 for corner

14 THENCE N 05deg26'33" W, a distance of 897.80' to the POINT OF
15 BEGINNING, and containing 794.46 acres of land, more or less.

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

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 4. (a) If this Act does not receive a two-thirds
8 vote of all the members elected to each house, Subchapter C, Chapter
9 7929, Special District Local Laws Code, as added by Section 1 of
10 this Act, is amended by adding Section 7929.106 to read as follows:

11 Sec. 7929.106. NO EMINENT DOMAIN POWER. The district may
12 not exercise the power of eminent domain.

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

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