

By: Eltife

S.B. No. 2066

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Rose City Municipal Utility District; providing authority to issue bonds; providing authority to impose assessments and fees.

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 7958 to read as follows:

CHAPTER 7958. ROSE CITY MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7958.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Tyler.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the Rose City Municipal Utility District.

Sec. 7958.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7958.003. 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. 7958.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7958.003
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. 7958.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

9 (b) The district is created to accomplish the purposes of a
10 municipal utility district as provided by general law and Section
11 59, Article XVI, Texas Constitution.

12 Sec. 7958.006. INITIAL DISTRICT TERRITORY. (a) The
13 district is initially composed of the territory described by
14 Section 2 of the Act enacting this chapter.

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

19 (1) organization, existence, or validity;

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

23 (3) legality or operation.

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 7958.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five elected directors.

27 (b) Except as provided by Section 7958.052, directors serve

1 staggered four-year terms.

2 Sec. 7958.052. TEMPORARY DIRECTORS. (a) The temporary
3 board consists of:

- 4 (1) Martin Heines;
- 5 (2) John Nix;
- 6 (3) Sam Mezayek;
- 7 (4) Darryl Bowdre; and
- 8 (5) Edward Broussard.

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

- 10 (1) the date permanent directors are elected under
11 Section 7958.003; or
- 12 (2) September 1, 2019.

13 (c) If permanent directors have not been elected under
14 Section 7958.003 and the terms of the temporary directors have
15 expired, successor temporary directors shall be appointed or
16 reappointed as provided by Subsection (d) to serve terms that
17 expire on the earlier of:

- 18 (1) the date permanent directors are elected under
19 Section 7958.003; or
- 20 (2) the fourth anniversary of the date of the
21 appointment or reappointment.

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

1 petition.

2 Sec. 7958.053. QUALIFICATIONS OF DIRECTORS.

3 (a) Notwithstanding any other law:

4 (1) an officer or employee of the city may serve as a
5 director of the district; and

6 (2) a member of the governing body of the city may
7 serve as a director of the district.

8 (b) A person who qualifies to serve as a director is
9 qualified to participate in all votes pertaining to the business of
10 the district, subject to Section 49.058, Water Code.

11 (c) Section 49.052, Water Code, does not apply to the
12 district.

13 Sec. 7958.054. COMPENSATION; REIMBURSEMENT. A director
14 serves without compensation but may receive reimbursement for
15 actual expenses reasonably and necessarily incurred while engaging
16 in activities on behalf of the district.

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 7958.101. GENERAL POWERS AND DUTIES. The district has
19 the powers and duties necessary to accomplish the purposes for
20 which the district is created.

21 Sec. 7958.102. MUNICIPAL UTILITY DISTRICT POWERS AND
22 DUTIES. The district has the powers and duties provided by the
23 general law of this state, including Chapters 49 and 54, Water Code,
24 applicable to municipal utility districts created under Section 59,
25 Article XVI, Texas Constitution.

26 Sec. 7958.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
27 OR RESOLUTION. The district shall comply with all applicable

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

5 Sec. 7958.104. NO EMINENT DOMAIN POWER. The district may
6 not exercise the power of eminent domain.

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 7958.151. ELECTIONS REGARDING BONDS. The district may
9 issue, without an election, bonds and other obligations secured by
10 revenue other than ad valorem taxes.

11 Sec. 7958.152. PROHIBITION ON IMPOSITION OF TAXES.

12 (a) The district may not impose an ad valorem tax for any purpose.

13 (b) Section 49.107, Water Code, does not apply to the
14 district.

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 7958.201. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS. The district may issue bonds or other obligations
18 payable wholly or partly from impact fees, revenue, contract
19 payments, grants, or other district money, or any combination of
20 those sources, to pay for any authorized district purpose.

21 SECTION 2. The Rose City Municipal Utility District
22 initially includes all the territory contained in the following
23 area:

24 BEGINNING at a point at the southwest corner of the intersection of
25 Grande Blvd and S Broadway Ave also the northeast corner of lot 12F
26 N.C.B. 1434.

27 THENCE travel Southerly along the west ROW of S Broadway Ave

1 approximately 18,456 ft to the southeast corner of lot 1 N.C.B. 1700
2 fronting S Broadway Ave.
3 THENCE Westerly approximately 354 ft along the south edge of lot 1
4 N.C.B. 1700.
5 THENCE Southwesterly direction 221 ft along the east edge of lot 1
6 N.C.B. 1700.
7 THENCE Westerly approximately 1,255 ft along the southern line of
8 lot 1 N.C.B. 1700 to lot 12.
9 THENCE Westerly approximately 75 ft along the southern line of lot
10 12.
11 THENCE Northerly approximately 1,100 ft along the west line of lot
12 12 to lot 1 N.C.B. 1700.
13 THENCE Northerly approximately 1,985 ft along the west line of lot 1
14 N.C.B. 1700 to the south ROW line of FM 2813.
15 THENCE Northerly approximately 60 ft across the ROW of FM 2813 to
16 the southeast lot of 23A N.C.B. 1539M.
17 THENCE Travel Westerly along the north ROW of FM 2813 approximately
18 4,110 ft to the southwest corner of lot 1A N.C.B. 1539M of the north
19 ROW of FM 2813 and east ROW of Neighbors Rd.
20 THENCE Travel Northerly along the east ROW of Neighbors Rd
21 approximately 3,670 ft (Crossing Loop 49 at approx. 1,900') to the
22 southwest corner of lot 2A N.C.B. 1138G.
23 THENCE Northwesterly across the ROW of Cherryhill Dr approximately
24 135 ft to southeast corner of lot 1A N.C.B. 1138H of the west ROW of
25 Cherryhill Dr and north ROW of Neighbors Rd.
26 THENCE Travel Westerly along the north ROW of Neighbors Rd
27 approximately 2,770 ft to the intersection of Neighbors Rd and

1 Stonebridge Way of the southwest corner of lot 9 N.C.B. 1137B.
2 THENCE Travel Northerly along the east ROW of Stonebridge Way
3 approximately 1,420 ft to the southwest corner of greenway N.C.B.
4 1137A.
5 THENCE Northwesterly Cross the ROW of Stonebridge Way 117 ft to the
6 southeast corner of lot 10 N.C.B. 1137 the north ROW of Balsam Gap
7 and west ROW of Stonebridge Way.
8 THENCE Westerly along the north ROW of Balsam Way approximately
9 685' and continue Northwesterly along Balsam Way ROW approximately
10 520 feet and continue along Balsam Way ROW approximately 420 feet to
11 the east ROW of FM 2493 of the corner of lot 24 along the east ROW of
12 FM 2493.
13 THENCE Travel North Northeasterly along the east ROW of FM 2493 (Old
14 Jacksonville Hwy) Approximately 3,380 ft.
15 THENCE Northwesterly Cross the ROW of Old Jacksonville Hwy
16 approximately 76 ft to the southeast corner of lot 10.
17 THENCE Northwesterly Along the south line of lot 10 approximately
18 460 ft to the southeast corner of lot 6 block 1 of Knollwood
19 Subdivision Unit 3.
20 THENCE Northerly Along the east line of lot 6 block 1 of Knollwood
21 Subdivision Unit 3 approximately 90 ft to the southeast corner of
22 lot 7 block 1 of Knollwood Subdivision Unit 3.
23 THENCE Northerly Along the east line of lot 7 block 1 of Knollwood
24 Subdivision Unit 3 to the northeast corner at the south ROW of
25 Willowood Dr.
26 THENCE Northerly Cross the ROW of Willowood Dr 60 ft to the
27 southeast corner of lot 25 block 2 of Knollwood Subdivision.

1 THENCE Northerly Along the east line of lot 25 block 2 of Knollwood
2 Subdivision approximately 166 ft to the northeast corner.
3 THENCE Westerly Along the north line of lot 25 block 2 of Knollwood
4 Subdivision approximately 102 ft to northeast corner of lot 24
5 block 2 of Knollwood Subdivision.
6 THENCE Westerly Along the north line of lot 24 block 2 of Knollwood
7 Subdivision approximately 96 ft to the northeast corner of lot 23
8 block 2 of Knollwood Subdivision.
9 THENCE Westerly Along the north line of lot 23 block 2 of Knollwood
10 Subdivision approximately 138 ft to the northeast corner of lot 22
11 block 2 of Knollwood Subdivision.
12 THENCE Westerly Along the north line of 22 block 2 of Knollwood
13 Subdivision approximately 19 ft to northwest corner.
14 THENCE Northwesterly From the northwest corner of 22 block 2 of
15 Knollwood Subdivision travel across approximately the east ROW of
16 Mahar Rd (C R 164).
17 THENCE Northwesterly Cross the ROW of Mahor Rd (C R 164)
18 approximately 133 ft. to the northeast corner of lot 6 N.C.B. 1660B
19 of the west ROW of Mahor Rd (C R 164).
20 THENCE Southwesterly Travel along the west ROW of Mahor Rd (C R 164)
21 approximately 550 ft to the southeast corner of lot 2A N.C.B. 1660E.
22 THENCE West Northwesterly Along the south line of lot 2A N.C.B.
23 1660E approximately 80 ft to the southeast corner of lot 4A N.C.B.
24 1660E.
25 THENCE West Northwesterly Along the south line of lot 4A N.C.B.
26 1660E approximately 73 ft to the southeast corner of lot 10 N.C.B.
27 1660E.

1 THENCE West Northwesterly Along the south line of lot 10 N.C.B.
2 1660E approximately 133 ft to the southwest corner.
3 THENCE North Northeasterly From the southwest corner of lot 10
4 N.C.B. 1660E travel the west line approximately 69 ft to southwest
5 corner of lot 9 N.C.B. 1660E.
6 THENCE North Northeasterly Along the west line of lot 9 N.C.B. 1660E
7 approximately 50 ft to the southwest corner of lot 8 N.C.B. 1660E.
8 THENCE North Northeasterly Along the west line of lot 8 N.C.B. 1660E
9 approximately 50 ft to the southwest corner of lot 7 N.C.B. 1660E.
10 THENCE North Northeasterly Along the west line of lot 7 N.C.B. 1660E
11 approximately 51 ft to the southwest corner of lot 6 N.C.B. 1660E.
12 THENCE North Northeasterly Along the west line of lot 6 N.C.B. 1660E
13 approximately 51 ft to the northwest corner and the southwest
14 corner of lot 7C.
15 THENCE Westerly From the northwest corner of lot 6 N.C.B. 1660E
16 travel along the south line of lot 7C approximately 275 ft to the
17 southeast corner of lot 7 N.C.B. 1660J.
18 THENCE Westerly Along the south line of lot 7 N.C.B. 1660J
19 approximately 206 ft to the southeast corner of lot 7A.
20 THENCE Westerly Along the south line of lot 7A approximately 643 ft
21 to the southwest corner.
22 THENCE Northerly From the southwest corner of lot 7A, travel the
23 west line 1,242 ft to the northwest corner of the side line of lot 5.
24 THENCE Westerly Along the south line of lot 5 approximately 796 ft
25 to the southwest corner and southwest corner of lot 5B.
26 THENCE North Northeasterly From the southwest corner of lot 5 and
27 southwest corner of lot 5B, approximately 426 ft along the west line

1 of lot 5 and south line of lot 5B to the southwest corner of lot 5C.
2 THENCE North Northeasterly Along the south line of lot 5C
3 approximately 406 ft to the southeast corner.
4 THENCE North Northwesterly From the southeast corner of lot 5C
5 along the east line of lot 5C to the northeast corner and south ROW
6 of C R 192 approximately 232 ft.
7 THENCE Northeasterly Travel the south ROW of C R 192 approximately
8 311 ft on west line of lot 5.
9 THENCE Easterly In an east direction approximately 763 ft within
10 lot 5 along Tyler city limits.
11 THENCE Southerly along the city limits line within lot 5
12 approximately 300 ft.
13 THENCE In a southeasterly direction along the city limits line
14 within lot 5 approximately 70 ft.
15 THENCE Northerly along the city limits line within lot 5
16 approximately 317 ft.
17 THENCE Easterly along the city limits line within lot 5
18 approximately 654 ft.
19 THENCE Southerly along the city limits line within lot 5
20 approximately 300 ft.
21 THENCE Easterly along the city limits line within lot 5
22 approximately 110 ft to the east line of lot 5.
23 THENCE Northerly along the east line of lot 5 approximately 380 ft
24 to the north line and south line of lot 16.
25 THENCE Easterly Along the north line of lot 7A approximately 1,022
26 ft the northeast corner and southwest corner of the ROW of Three
27 Lakes Pkwy.

1 THENCE Cross the ROW of Three Lakes Pkwy approximately 40 ft to the
2 southwest corner of lot 36 N.C.B. 1660A.
3 THENCE Northerly Along the west line of lot 36 N.C.B. 1660A
4 approximately 2,467 ft to the northwest corner and south ROW of Old
5 Noonday Rd.
6 THENCE Northerly Travel approximately 290 ft on the east ROW of Old
7 Noonday Rd and to the southwest corner of lot 1 N.C.B. 1660G.
8 THENCE Northwesterly From the southwest corner of lot 1 N.C.B.
9 1660G, cross Old Noonday Rd ROW 56 ft to the southeast corner lot of
10 24 N.C.B. 1539M.
11 THENCE Westerly Along the south line of lot 24 N.C.B. 1539M
12 approximately 1,000. ft to the southeast corner of lot 19 N.C.B.
13 1539M.
14 THENCE Westerly Along the south line of lot 19 N.C.B. 1539M
15 approximately 2,555 ft to the southwest corner.
16 THENCE Northerly From the southwest corner of lot 19 N.C.B. 1539M
17 approximately 1,090 ft along the west line to the southwest corner
18 of lot 2A N.C.B. 1539M.
19 THENCE Northerly Along the west line of lot 2A N.C.B. 1539M
20 approximately 266 ft to the southeast corner of lot 1U N.C.B. 1539M.
21 THENCE Northwesterly Along the south line of lot 1U N.C.B. 1539M
22 approximately 293 ft.
23 THENCE In a southwesterly direction approximately 92 ft to the east
24 ROW of State Hwy 155 S and northwest corner of lot 1E.
25 THENCE Northeasterly Travel along the east ROW of State Hwy 155 S
26 and lot 1U N.C.B. 1539M approximately 333 to the northwest corner
27 and south ROW of W Grande Blvd.

1 THENCE Westerly Travel along the south ROW of W Grande Blvd
2 approximately 16,104 ft to S Broadway Ave and the Point of
3 Beginning.

4 SECTION 3. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 4. This Act takes effect September 1, 2015.