

By: Eltife

S.B. No. 2066

A BILL TO BE ENTITLED

1 AN ACT

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

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 7958 to read as follows:

8 CHAPTER 7958. ROSE CITY MUNICIPAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 7958.001. DEFINITIONS. In this chapter:

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

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

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

15 (4) "Director" means a board member.

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

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

21 Sec. 7958.003. CONFIRMATION AND DIRECTORS' ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 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. (a)
8 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. (a)

3 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. (a) The
12 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 along the west ROW of S Broadway Ave approximately

1 17,952 ft to the southeast corner of lot 1 N.C.B. 1700 fronting S
2 Broadway Ave.
3 THENCE West approximately 348.17 ft along the south edge of lot 1
4 N.C.B. 1700.
5 THENCE Southwest direction 220.45 ft along the east edge of lot 1
6 N.C.B. 1700.
7 THENCE West approximately 1,246.71 ft along the southern line of
8 lot 1 N.C.B. 1700 to lot 12.
9 THENCE West approximately 84.6 ft along the southern line of lot 12.
10 THENCE North approximately 1,090.81 ft along the west line of lot 12
11 to lot 1 N.C.B. 1700.
12 THENCE North approximately 1,982.22 ft along the west line of lot 1
13 N.C.B. 1700 to the south ROW line of FM 2813.
14 THENCE North approximately 60 ft across the ROW of FM 2813 to the
15 southeast lot of 23A N.C.B. 1539M.
16 THENCE Travel along the north ROW of FM 2813 approximately 4,107.56
17 ft to the southwest corner of lot 1A N.C.B. 1539M of the north ROW of
18 FM 2813 and east ROW of Neighbors Rd.
19 THENCE Travel along the east ROW of Neighbors Rd approximately
20 3,669.59 ft to the southwest corner of lot 2A N.C.B. 1138G.
21 THENCE Northwest across the ROW of Cherryhill Dr approximately
22 134.88 ft to southeast corner of lot 1A N.C.B. 1138H of the west ROW
23 of Cherryhill Dr and north ROW of Neighbors Rd.
24 THENCE Travel along the north ROW of Neighbors Rd approximately
25 2,675.41 ft to the intersection of Neighbors Rd and Stonebridge Way
26 of the southwest corner of lot 9 N.C.B. 1137B.
27 THENCE Travel along the east ROW of Stonebridge Way approximately

1 1,398.7 ft to the southwest corner of greenway N.C.B. 1137A.
2 THENCE Cross the ROW of Stonebridge Way 105 ft to the southeast
3 corner of lot 10 N.C.B. 1137 the north ROW of Balsam Gap and west ROW
4 of Stonebridge Way.
5 THENCE Travel along the north ROW of Balsam Way approximately
6 1,615.58 ft to the east ROW of FM 2893 of the corner of lot 24 along
7 east ROW of FM 2493.
8 THENCE Travel along the east ROW of FM 2493 (Old Jacksonville Hwy)
9 approximately 3,376.71 ft.
10 THENCE Cross the ROW of Old Jacksonville Hwy approximately 76 ft to
11 the southeast corner of lot 10.
12 THENCE Along the south line of lot 10 approximately 457.26 ft to the
13 southeast corner of lot 6 block 1 of Knollwood Subdivision Unit 3.
14 THENCE Along the east line of lot 6 block 1 of Knollwood Subdivision
15 Unit 3 approximately 89.98 ft to the southeast corner of lot 7 block
16 1 of Knollwood Subdivision Unit 3.
17 THENCE Along the east line of lot 7 block 1 of Knollwood Subdivision
18 Unit 3 to the northeast corner at the south ROW of Willowood Dr.
19 THENCE Cross the ROW of Willowood Dr 60 ft to the southeast corner
20 of lot 25 block 2 of Knollwood Subdivision.
21 THENCE Along the east line of lot 25 block 2 of Knollwood
22 Subdivision approximately 165.52 ft to the northeast corner.
23 THENCE Along the north line of lot 25 block 2 of Knollwood
24 Subdivision approximately 101.54 ft to northeast corner of lot 24
25 block 2 of Knollwood Subdivision.
26 THENCE Along the north line of lot 24 block 2 of Knollwood
27 Subdivision approximately 95.54 ft to the northeast corner of lot

1 23 block 2 of Knollwood Subdivision.
2 THENCE Along the north line of lot 23 block 2 of Knollwood
3 Subdivision approximately 137.34 ft to the northeast corner of lot
4 22 block 2 of Knollwood Subdivision.
5 THENCE Along the north line of 22 block 2 of Knollwood Subdivision
6 approximately 18.28 ft to northwest corner.
7 THENCE From the northwest corner of 22 block 2 of Knollwood
8 Subdivision travel across approximately the east ROW of Mahar Rd (C
9 R 164).
10 THENCE Cross the ROW of Mahor Rd (C R 164) approximately 133 ft. to
11 the northeast corner of lot 6 N.C.B. 1660B of the west ROW of Mahor
12 Rd (C R 164).
13 THENCE Travel along the west ROW of Mahor Rd (C R 164) approximately
14 548.55 ft to the southeast corner of lot 2A N.C.B. 1660E.
15 THENCE Along the south line of lot 2A N.C.B. 1660E approximately
16 79.95 ft to the southeast corner of lot 4A N.C.B. 1660E.
17 THENCE Along the south line of lot 4A N.C.B. 1660E approximately
18 73.1 ft to the southeast corner of lot 10 N.C.B. 1660E.
19 THENCE Along the south line of lot 10 N.C.B. 1660E approximately
20 133.19 ft to the southwest corner.
21 THENCE From the southwest corner of lot 10 N.C.B. 1660E travel the
22 west line approximately 68.85 ft to southwest corner of lot 9 N.C.B.
23 1660E.
24 THENCE Along the west line of lot 9 N.C.B. 1660E approximately 50.1
25 ft to the southwest corner of lot 8 N.C.B. 1660E.
26 THENCE Along the west line of lot 8 N.C.B. 1660E approximately 49.88
27 ft to the southwest corner of lot 7 N.C.B. 1660E.

1 THENCE Along the west line of lot 7 N.C.B. 1660E approximately 50.58
2 ft to the southwest corner of lot 6 N.C.B. 1660E.
3 THENCE Along the west line of lot 6 N.C.B. 1660E approximately 50.58
4 ft to the northwest corner and the southwest corner of lot 7C.
5 THENCE From the northwest corner of lot 6 N.C.B. 1660E travel along
6 the south line of lot 7C approximately 274.6 ft to the southeast
7 corner of lot 7 N.C.B. 1660J.
8 THENCE Along the south line of lot 7 N.C.B. 1660J approximately
9 205.38 ft to the southeast corner of lot 7A.
10 THENCE Along the south line of lot 7A approximately 635.5 ft to the
11 southwest corner.
12 THENCE From the southwest corner of lot 7A, travel the west line
13 1,241.32 ft to the northwest corner of the side line of lot 5.
14 THENCE Along the south line of lot 5 approximately 795.51 ft to the
15 southwest corner and southwest corner of lot 5B.
16 THENCE From the southwest corner of lot 5 and southwest corner of
17 lot 5B, approximately 425.93 ft along the west line of lot 5 and
18 south line of lot 5B to the southwest corner of lot 5C.
19 THENCE Along the south line of lot 5C approximately 405.29 ft to the
20 southeast corner.
21 THENCE From the southeast corner of lot 5C along the east line of
22 lot 5C to the northeast corner and south ROW of C R 192
23 approximately 231.37 ft.
24 THENCE Travel the south ROW of C R 192 approximately 310.95 ft on
25 west line of lot 5.
26 THENCE In an east direction approximately 762.77 ft within lot 5
27 along Tyler city limits.

1 THENCE South along the city limits line within lot 5 approximately
2 299.1 ft.

3 THENCE In a southeast direction along the city limits line within
4 lot 5 approximately 70ft.

5 THENCE North along the city limits line within lot 5 approximately
6 316.46 ft.

7 THENCE East along the city limits line within lot 5 approximately
8 653.52 ft.

9 THENCE South along the city limits line within lot 5 approximately
10 299.57ft.

11 THENCE East along the city limits line within lot 5 approximately
12 109.85 ft to the east line of lot 5.

13 THENCE North along the east line of lot 5 approximately 379.36 ft to
14 the north line and south line of lot 16.

15 THENCE Along the north line of lot 5 and south line of lot 16
16 approximately 1,487.49 ft to the northwest corner of lot 7A.

17 THENCE Along the north line of lot 7A approximately 1,022.05 ft the
18 northeast corner and southwest corner of the ROW of Three Lakes
19 Pkwy.

20 THENCE Cross the ROW of Three Lakes Pkwy approximately 40 ft to the
21 southwest corner of lot 36 N.C.B. 1660A.

22 THENCE Along the west line of lot 36 N.C.B. 1660A approximately 2443
23 ft to the northwest corner and south ROW of Old Noonday Rd.

24 THENCE Travel approximately 310.3 ft on the east ROW of Old Noonday
25 Rd and west line of lot 20 N.C.B. 1539M to the southwest corner of
26 lot 1 N.C.B. 1660G.

27 THENCE From the southwest corner of lot 1 N.C.B. 1660G, cross Old

1 Noonday Rd ROW 55.56 ft to the southeast corner lot of 24 N.C.B.
2 1539M.
3 THENCE Along the south line of lot 24 N.C.B. 1539M approximately
4 1,000.06 ft to the southeast corner of lot 19 N.C.B. 1539M.
5 THENCE Along the south line of lot 19 N.C.B. 1539M approximately
6 2,553.16 ft to the southwest corner.
7 THENCE From the southwest corner of lot 19 N.C.B. 1539M
8 approximately 1,087.75 ft along the west line to the southwest
9 corner of lot 2A N.C.B. 1539M.
10 THENCE Along the west line of lot 2A N.C.B. 1539M approximately
11 265.87 ft to the southeast corner of lot 1U N.C.B. 1539M.
12 THENCE Along the south line of lot 1U N.C.B. 1539M approximately
13 292.43 ft.
14 THENCE In a southwesterly direction approximately 91.99 ft to the
15 east ROW of State Hwy 155 S and northwest corner of lot 1E.
16 THENCE Travel along the east ROW of State Hwy 155 S and lot 1U N.C.B.
17 1539M approximately 332.69 to the northwest corner and south ROW of
18 W Grande Blvd.
19 THENCE Travel along the south ROW of W Grande Blvd approximately
20 16,103.8 ft to S Broadway Ave and the Point of Beginning.

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

1 (b) The governor, one of the required recipients, has
2 submitted the notice and Act to the Texas Commission on
3 Environmental Quality.

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

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

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