

By: Israel

H.B. No. 1434

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brickston Municipal Utility District; 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 8038 to read as follows:

CHAPTER 8038. BRICKSTON MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8038.0101. 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 Brickston Municipal Utility District.

Sec. 8038.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8038.0103. CONFIRMATION AND DIRECTOR 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. 8038.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8038.0103 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. 8038.0105. 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:

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. 8038.0106. 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. 8038.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8038.0202, directors
6 serve staggered four-year terms.

7 Sec. 8038.0202. 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 8038.0103; 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 8038.0103 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 8038.0103; 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. 8038.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8038.0302. 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. 8038.0303. 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. 8038.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road 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. 8038.0305. COMPLIANCE WITH MUNICIPAL CONSENT
10 ORDINANCE OR RESOLUTION. The district shall comply with all
11 applicable requirements of any ordinance or resolution that is
12 adopted under Section 54.016 or 54.0165, Water Code, and that
13 consents to the creation of the district or to the inclusion of land
14 in the district.

15 Sec. 8038.0306. REQUIREMENT FOR AFFORDABLE HOUSING. (a)
16 Not less than 7.5 percent of the multifamily residential units
17 developed on the real property in the district must be deed
18 restricted for rent to individuals or families with incomes at or
19 below 30 percent of the area median family income at an annual rent
20 not to exceed 30 percent of the income of the individual or family
21 renting the unit.

22 (b) Not less than 7.5 percent of the multifamily residential
23 units developed on the real property in the district must be deed
24 restricted for rent to individuals or families with incomes at or
25 below 50 percent of the area median family income at an annual rent
26 not to exceed 30 percent of the income of the individual or family
27 renting the unit.

1 (c) Multifamily residential units reserved for rent to
2 certain individuals and families under this section must be
3 reserved in the same proportion of the type and size of multifamily
4 residential units that are offered in the residential development
5 as a whole.

6 Sec. 8038.0307. CONSISTENCY WITH STATE WATER PLAN. An
7 action taken by the district may not be inconsistent with the
8 objectives of the most recently adopted state water plan.

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8038.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
11 The district may issue, without an election, bonds and other
12 obligations secured by:

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

14 (2) contract payments described by Section 8038.0403.

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

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

23 Sec. 8038.0402. OPERATION AND MAINTENANCE TAX. (a) If
24 authorized at an election held under Section 8038.0401, the
25 district may impose an operation and maintenance tax on taxable
26 property in the district in accordance with Section 49.107, Water
27 Code.

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

3 Sec. 8038.0403. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax and use the revenue derived from
6 the tax to make payments under a contract after the provisions of
7 the contract have been approved by a majority of the district voters
8 voting at an election held for that purpose.

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

12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

13 Sec. 8038.0501. AUTHORITY TO ISSUE BONDS AND OTHER
14 OBLIGATIONS. The district may issue bonds or other obligations
15 payable wholly or partly from ad valorem taxes, impact fees,
16 revenue, contract payments, grants, or other district money, or any
17 combination of those sources, to pay for any authorized district
18 purpose.

19 Sec. 8038.0502. TAXES FOR BONDS. At the time the district
20 issues bonds payable wholly or partly from ad valorem taxes, the
21 board shall provide for the annual imposition of a continuing
22 direct ad valorem tax, without limit as to rate or amount, while all
23 or part of the bonds are outstanding as required and in the manner
24 provided by Sections 54.601 and 54.602, Water Code.

25 Sec. 8038.0503. BONDS FOR ROAD PROJECTS. At the time of
26 issuance, the total principal amount of bonds or other obligations
27 issued or incurred to finance road projects and payable from ad

1 valorem taxes may not exceed one-fourth of the assessed value of the
2 real property in the district.

3 SECTION 2. The Brickston Municipal Utility District
4 initially includes all the territory contained in the following
5 area:

6 BEING A 448.8-ACRE [19,551,571 SQUARE FEET] MUD TRACT OUT OF
7 THE WILLIAM HINES SURVEY NUMBER 53, ABSTRACT NUMBER 346, TRAVIS
8 COUNTY, TEXAS, SAID TRACT BEING ALL OF THAT CALLED 127.535-ACRE
9 TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC., AS RECORDED IN
10 DOCUMENT NUMBER 2008035687 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
11 COUNTY, TEXAS [O.P.R.T.C.T.], AND A PORTION OF THAT CALLED
12 315.26-ACRE TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC. AS
13 RECORDED IN DOCUMENT NUMBER 2008035688 O.P.R.T.C.T. SAID TRACT
14 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

15 BEGINNING at a 5/8-inch iron rod found in the west line of
16 that called 29.556-acre tract described to Centex Land, LTD. as
17 recorded in Document Number 1999124374 O.P.R.T.C.T. for the south
18 corner of that called 9.35-acre tract described to Johnny Wilkins,
19 Jr. and wife, Virginia C. Wilkins as recorded in Volume 12363, Page
20 2230 of the Real Property Records of Travis County, Texas
21 [R.P.R.T.C.T.], same being the east corner of said 315.26-acre
22 tract and the east corner of the tract described herein;

23 THENCE with said west line of the 29.556-acre tract, same
24 being the east line of said 315.26-acre tract, S26°55'05"W a
25 distance of 926.58 feet to a 1/2-inch iron rod found for the east
26 corner of that called 5.00-acre tract described to Amos Whit Parker
27 and Wife, Mary Catherine Parker as recorded in Volume 12714, Page

1 2046 R.P.R.T.C.T.;

2 THENCE with the north line of said 5.00-acre tract,
3 continuing with said east line of the 315.26-acre tract, N63°18'57"W
4 a distance of 796.21 feet to a 1/2-inch iron rod found for the north
5 corner of said 5.00-acre tract;

6 THENCE with the west line of said 5.00-acre tract, continuing
7 with said east line of the 315.26-acre tract, S26°40'58"W a distance
8 of 273.21 feet to the west corner of said 5.00-acre tract, same
9 being the north corner of that called 10.57-acre tract described to
10 David S. Rose and Kristen R. Carter, as recorded in Volume 12854,
11 Page 2132 R.P.R.T.C.T.;

12 THENCE with the west line of said 10.57-acre tract,
13 continuing with said east line of the 315.26-acre tract, S26°59'51"W
14 a distance of 578.62 feet to a point in the north line of that called
15 175.81-acre tract described to Centex Land, Ltd as recorded in
16 Volume 13299, Page 2327 R.P.R.T.C.T. for the west corner of said
17 10.57-acre tract;

18 THENCE with said north line of the 175.81-acre tract,
19 continuing with said east line of the 315.26-acre tract, the
20 following five (5) courses and distances:

21 1) N63°35'01"W a distance of 41.42 feet to an angle
22 point,

23 2) N61°56'37"W a distance of 120.25 feet to an angle
24 point,

25 3) N62°39'21"W a distance of 572.60 feet to a 1/2-inch
26 iron rod found for an angle point,

27 4) N62°32'09"W a distance of 228.42 feet to a 3/8-inch

1 iron rod found for an angle point,

2 5) N62°48'14"W a distance of 1,444.80 feet to an angle
3 point for the north corner of said 175.81-acre tract;

4 THENCE with the west line of said 175.81-acre tract, same
5 being the south line of said 315.26-acre tract, S27°07'44"W a
6 distance of 76.16 feet to an angle point for the east corner of said
7 127.535-acre tract;

8 THENCE continuing with said west line of the 175.81-acre
9 tract, same being the east line of said 127.535-acre tract, the
10 following two (2) courses and distances:

11 1) S27°32'56"W a distance of 1,770.97 feet to an angle
12 point for the south corner of said 127.535-acre tract, and

13 2) N61°57'33"W a distance of 395.35 feet to an angle
14 point in the east line of that called 202.522-acre tract described
15 to Robert E. Lundgren & Kathryn E. Lundgren as recorded in Volume
16 11133, Page 517 R.P.R.T.C.T.;

17 THENCE with the east line of said 202.522-acre tract, same
18 being the south line of said 127.535-acre tract, N28°06'22"E a
19 distance of 20.48 feet to an angle point for the east corner of said
20 202.522-acre tract;

21 THENCE with the north line of said 202.522-acre tract,
22 continuing with said south line of the 127.535-acre tract,
23 N63°06'01"W a distance of 2,773.48 feet to a point in the east line
24 of that called 84.987-acre tract described to Ruth Ann Lofton
25 Kylberg as recorded in Volume 6863, Page 1580 of the Deed Records of
26 Travis County, Texas, for the west corner of said 127.535-acre tract
27 and the west corner of the tract described herein;

1 THENCE with said east line of the 84.987-acre tract, same
2 being the west line of said 127.535-acre tract, N27°08'30"E a
3 distance of 797.97 feet to 1/2-inch iron rod found for the apparent
4 southerly terminus of Giese Lane, a varying-width right-of-way, no
5 record information found;

6 THENCE with the apparent east right-of-way line of Giese
7 Lane, continuing with the west line of said 127.535-acre tract, the
8 following two (2) courses and distances:

9 1) N51°48'59"E a distance of 48.16 feet to an angle
10 point, and

11 2) N26°22'12"E a distance of 900.92 feet to a 3/4-inch
12 iron rod found for the north corner of said 127.535-acre tract;

13 THENCE continuing with the apparent east right-of-way line of
14 Giese Lane, with the west line of said 315.26-acre tract, the
15 following two (2) courses and distances:

16 1) N26°32'58"E a distance of 281.93 feet to an angle
17 point, and

18 2) N26°37'58"E a distance of 64.47 feet to an angle
19 point at the intersection of the apparent common Manor County Extra
20 Territorial Jurisdiction line and the apparent Travis County Line
21 with said apparent east right-of-way line of Giese Lane and said
22 west line of the 315.26-acre tract;

23 THENCE leaving said apparent east right-of-way line of Giese
24 Lane and said west line of the 315.26-acre tract, crossing said
25 315.26-acre tract, with the apparent common Manor County Extra
26 Territorial Jurisdiction line and the apparent Travis County Line,
27 the following three (3) courses and distances:

1 1) S89°34'15"E a distance of 319.29 feet to an angle
2 point,

3 2) N13°12'51"E a distance of 581.96 feet to an angle
4 point, and

5 3) N06°47'45"E a distance of 425.37 feet to an angle
6 point at the intersection of said apparent common Manor County
7 Extra Territorial Jurisdiction line and said apparent Travis County
8 Line with said apparent east right-of-way line of Giese Lane and
9 said west line of the 315.26-acre tract;

10 THENCE with said apparent east right-of-way line of Giese
11 Lane and said west line of the 315.26-acre tract, N26°52'58"E a
12 distance of 1,166.16 feet to the west corner of that called
13 286.05-acre tract described to Sharon Dusek Wertz as recorded in
14 Volume 11258, Page 38 R.P.R.T.C.T., same being the north corner of
15 said 315.26-acre tract and the north corner of the tract described
16 herein;

17 THENCE with the south line of said 286.05-acre tract, same
18 being the north line of said 315.26-acre tract, S63°12'58"E a
19 distance of 3,177.15 feet to the south corner of said 286.05-acre
20 tract, same being the west corner of that called 50.349-acre tract
21 described to Robert Alvarez as recorded in Document Number
22 2001200295 O.P.R.T.C.T.;

23 THENCE with the south line of said 50.349-acre tract,
24 continuing with said north line of the 315.26-acre tract, the
25 following two (2) courses and distances:

26 1) S64°27'40"E a distance of 128.51 feet to an angle
27 point, and

1 2) S63°20'13"E a distance of 972.11 feet to the north
2 corner of that apparent 20.00-acre tract to Johnny Wilkins Jr. &
3 Virginia C. Wilkins, no record information found;

4 THENCE with the west line of said 20.00-acre tract, with the
5 west line of that called 5.00-acre tract described to Johnny
6 Wilkins Jr. and wife, Virginia Cox Wilkins as recorded in Volume
7 6501, Page 42 R.P.R.T.C.T., continuing with said north line of the
8 315.26-acre tract, S26°39'06"W a distance of 800.88 feet to the west
9 corner of said 5.00-acre tract;

10 THENCE with the south line of said 5.00-acre tract, with the
11 south line of said 9.35-acre tract, continuing with said north line
12 of the 315.26-acre tract, S63°20'40"E a distance of 2,096.59 feet to
13 said POINT OF BEGINNING of the tract described herein, and
14 containing 448.8 Acres [19,551,571 Square Feet].

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

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 4. (a) If this Act does not receive a two-thirds
7 vote of all the members elected to each house, Subchapter C, Chapter
8 8038, Special District Local Laws Code, as added by Section 1 of
9 this Act, is amended by adding Section 8038.0308 to read as follows:

10 Sec. 8038.0308. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

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

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2019.