

By: Zerwas

H.B. No. 1934

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 229; 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 8062 to read as follows:

CHAPTER 8062. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 229

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8062.0101. 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 Fort Bend County Municipal Utility District No. 229.

Sec. 8062.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8062.0103. 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. 8062.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 8062.0103 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. 8062.0105. 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. 8062.0106. 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. 8062.0201. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 8062.0202, directors  
6 serve staggered four-year terms.

7           Sec. 8062.0202. 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 8062.0103; 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 8062.0103 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 8062.0103; 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. 8062.0301. 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. 8062.0302. 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. 8062.0303. 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. 8062.0304. 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. 8062.0305. 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               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 8062.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
17 The 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 8062.0403.

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. 8062.0402. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 8062.0401, the  
4 district may impose an operation and maintenance tax on taxable  
5 property in the district in accordance with Section 49.107, Water  
6 Code.

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

9 Sec. 8062.0403. CONTRACT TAXES. (a) In accordance with  
10 Section 49.108, Water Code, the district may impose a tax other than  
11 an operation and maintenance tax and use the revenue derived from  
12 the tax to make payments under a contract after the provisions of  
13 the contract have been approved by a majority of the district voters  
14 voting at an election held for that purpose.

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

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8062.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
20 OBLIGATIONS. The district may issue bonds or other obligations  
21 payable wholly or partly from ad valorem taxes, impact fees,  
22 revenue, contract payments, grants, or other district money, or any  
23 combination of those sources, to pay for any authorized district  
24 purpose.

25 Sec. 8062.0502. TAXES FOR BONDS. At the time the district  
26 issues bonds payable wholly or partly from ad valorem taxes, the  
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all  
2 or part of the bonds are outstanding as required and in the manner  
3 provided by Sections 54.601 and 54.602, Water Code.

4 Sec. 8062.0503. BONDS FOR ROAD PROJECTS. At the time of  
5 issuance, the total principal amount of bonds or other obligations  
6 issued or incurred to finance road projects and payable from ad  
7 valorem taxes may not exceed one-fourth of the assessed value of the  
8 real property in the district.

9 SECTION 2. The Fort Bend County Municipal Utility District  
10 No. 229 initially includes all the territory contained in the  
11 following area:

12 Being a 437.6585 acre tract of land located in the John Foster  
13 2-1/2 League, A-26, Fort Bend County, Texas; said 437.6585 acre  
14 tract being all of a called 200.00-acre tract of land (Tract I), the  
15 remainder of a called 250.000-acre tract of land (Tract II) both  
16 conveyed to Houston Nursery LLC in Clerk's File Number 2011031940  
17 of the Official Records of Fort Bend County (O.R.F.B.C.) and a  
18 portion of FM 359 (80-foot wide) recorded in Volume 243, Page 137 of  
19 the Fort Bend County Deed Records (F.B.C.D.R.); said 437.6585 acre  
20 tract being more particularly described by metes and bounds as  
21 follows (all bearings are referenced to the south line of said  
22 200.00-acre tract):

23 Beginning at the southeast corner of said 200.00-acre tract  
24 and the northeast corner of a call 137.0556-acre tract of land  
25 recorded in Clerk's File number 9681280 of the O.R.F.B.C., same  
26 being on the west right-of-way (R.O.W.) line of said FM 359;

27 1. Thence, with the common line of said 200.00-acre tract

1 and said 137.0556-acre tract, South 89 degrees 44 minutes 42  
2 seconds West, a distance of 2,600.24 feet to the southwest corner of  
3 said 200.00-acre tract and the northwest corner of said  
4 137.0556-acre tract, same being on the east line of a call  
5 339.60-acre tract of land recorded in Clerk's File Number  
6 2017112484 of the O.R.F.B.C.;

7 2. Thence, with the common line of said 200.00-acre tract  
8 and said 339.60-acre tract, North 00 degrees 00 minutes 00 seconds  
9 East, a distance of 3,392.41 feet to the northwest corner of said  
10 200.00-acre tract;

11 3. Thence, with the north line of said 200.00-acre tract,  
12 South 89 degrees 53 minutes 50 seconds East, a distance of 397.00  
13 feet to a westerly line of a call 4.06-acre R.O.W. dedication (Tract  
14 No. 1, FM 359) recorded in Volume 243, Page 261 of the F.B.C.D.R.;

15 4. Thence, with the common line of said 200.00-acre tract  
16 and said FM 359, South 58 degrees 40 minutes 40 seconds East, a  
17 distance of 15.40 feet;

18 5. Thence, continuing with said common line, South 89  
19 degrees 56 minutes 07 seconds East, a distance of 1,698.40 feet;

20 6. Thence, crossing said FM 359, South 89 degrees 55 minutes  
21 34 seconds East, a distance of 556.54 feet the northwest corner of  
22 aforesaid 250.00-acre tract, same being on the south R.O.W. line of  
23 Gaston Fulshear Road (called 80-foot wide) recorded in Volume 62,  
24 Page 611 and Volume 458, Page 49 of the F.B.C.D.R.;

25 7. Thence, with the common line of said 250.00-acre tract  
26 and said Gaston Fulshear Road, North 89 degrees 38 minutes 55  
27 seconds East, a distance of 3,347.28 feet to the northwest corner of

1 a call 3.249-acre tract of land recorded in Clerk's File Number  
2 2007099737 of the O.R.F.B.C.;

3 8. Thence, with the west line of said 3.249-acre tract,  
4 South 00 degrees 00 minutes 43 seconds East, a distance of 391.50  
5 feet;

6 9. Thence, with the south line of said 3.247-acre tract,  
7 North 89 degrees 38 minutes 55 seconds East, a distance of 361.50  
8 feet to the west line of a call 6.347-acre tract of land recorded in  
9 Clerk's File Number 2005058326 of the O.R.F.B.C.;

10 10. Thence, with the west line of said 6.347-acre tract,  
11 South 00 degrees 00 minutes 43 seconds East, a distance of 2,373.30  
12 feet to the southwest corner of said 6.347-acre tract, same being  
13 the south line of aforesaid 250.00-acre tract and the north line of  
14 a call 100.000-acre tract of land recorded in Clerk's File Number  
15 2005058326 of the O.R.F.B.C.;

16 11. Thence, with the south line of said 250.00-acre tract,  
17 the north line of said 100.000-acre tract, and the north line of a  
18 call 8.000-acre tract recorded in Clerk's File Number 2013108809 of  
19 the O.R.F.B.C., South 89 degrees 44 minutes 22 seconds West, at  
20 3,696.78 feet pass the southwest corner of said 250.00-acre tract  
21 and the northwest corner of said 100.00 acre tract, same being on  
22 the east R.O.W. line of aforesaid FM 359, continuing in all a total  
23 distance of 3776.66 feet to the east line of aforesaid 200.00-acre  
24 tract, same being the west R.O.W. line of said FM 359;

25 12. Thence, with the common line of said 200.00-acre tract  
26 and said FM 359, South 00 degrees 13 minutes 50 seconds East, a  
27 distance of 610.26 feet to the Point of Beginning and containing

1 437.6585 acres of land.

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

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

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

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

20 SECTION 4. (a) If this Act does not receive a two-thirds  
21 vote of all the members elected to each house, Subchapter C, Chapter  
22 8062, Special District Local Laws Code, as added by Section 1 of  
23 this Act, is amended by adding Section 8062.0306 to read as follows:

24 Sec. 8062.0306. NO EMINENT DOMAIN POWER. The district may  
25 not exercise the power of eminent domain.

26 (b) This section is not intended to be an expression of a  
27 legislative interpretation of the requirements of Section 17(c),

1 Article I, Texas Constitution.

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