

1-1 By: Stephenson (Senate Sponsor - Huffman) H.B. No. 2060
 1-2 (In the Senate - Received from the House April 15, 2019;
 1-3 April 16, 2019, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 16, 2019, reported favorably by
 1-5 the following vote: Yeas 7, Nays 0; May 16, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Fort Bend County Municipal Utility
 1-18 District No. 233; granting a limited power of eminent domain;
 1-19 providing authority to issue bonds; providing authority to impose
 1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 8068 to read as follows:

1-24 CHAPTER 8068. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 233
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8068.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.
 1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Fort Bend County Municipal
 1-32 Utility District No. 233.

1-33 Sec. 8068.0102. NATURE OF DISTRICT. The district is a
 1-34 municipal utility district created under Section 59, Article XVI,
 1-35 Texas Constitution.

1-36 Sec. 8068.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-37 REQUIRED. The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8068.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section
 1-42 8068.0103 until each municipality in whose corporate limits or
 1-43 extraterritorial jurisdiction the district is located has
 1-44 consented by ordinance or resolution to the creation of the
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 8068.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
 1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
 1-52 relate to the construction, acquisition, improvement, operation,
 1-53 or maintenance of macadamized, graveled, or paved roads, or
 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8068.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-56 district is initially composed of the territory described by
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
 1-59 the Act enacting this chapter form a closure. A mistake made in the
 1-60 field notes or in copying the field notes in the legislative process
 1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8068.0201. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8068.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8068.0202. TEMPORARY DIRECTORS. (a) The temporary

2-13 board consists of:

2-14 (1) KayeLynn White;

2-15 (2) James Grissom;

2-16 (3) Whitney Aelmore;

2-17 (4) Juan Alexander; and

2-18 (5) Shanda Conroy.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 8068.0103; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 8068.0103 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 8068.0103; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8068.0301. GENERAL POWERS AND DUTIES. The district

2-42 has the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 8068.0302. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 8068.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8068.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 8068.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

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

3-5 Sec. 8068.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
3-6 district may not exercise the power of eminent domain outside the
3-7 district boundaries to acquire a site or easement for:

3-8 (1) a recreational facility, as defined by Section
3-9 49.462, Water Code; or

3-10 (2) a road project authorized by Section 8068.0303.

3-11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-12 Sec. 8068.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-13 The district may issue, without an election, bonds and other
3-14 obligations secured by:

3-15 (1) revenue other than ad valorem taxes; or

3-16 (2) contract payments described by Section 8068.0403.

3-17 (b) The district must hold an election in the manner
3-18 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-19 before the district may impose an ad valorem tax or issue bonds
3-20 payable from ad valorem taxes.

3-21 (c) The district may not issue bonds payable from ad valorem
3-22 taxes to finance a road project unless the issuance is approved by a
3-23 vote of a two-thirds majority of the district voters voting at an
3-24 election held for that purpose.

3-25 Sec. 8068.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-26 authorized at an election held under Section 8068.0401, the
3-27 district may impose an operation and maintenance tax on taxable
3-28 property in the district in accordance with Section 49.107, Water
3-29 Code.

3-30 (b) The board shall determine the tax rate. The rate may not
3-31 exceed the rate approved at the election.

3-32 Sec. 8068.0403. CONTRACT TAXES. (a) In accordance with
3-33 Section 49.108, Water Code, the district may impose a tax other than
3-34 an operation and maintenance tax and use the revenue derived from
3-35 the tax to make payments under a contract after the provisions of
3-36 the contract have been approved by a majority of the district voters
3-37 voting at an election held for that purpose.

3-38 (b) A contract approved by the district voters may contain a
3-39 provision stating that the contract may be modified or amended by
3-40 the board without further voter approval.

3-41 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-42 Sec. 8068.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-43 OBLIGATIONS. The district may issue bonds or other obligations
3-44 payable wholly or partly from ad valorem taxes, impact fees,
3-45 revenue, contract payments, grants, or other district money, or any
3-46 combination of those sources, to pay for any authorized district
3-47 purpose.

3-48 Sec. 8068.0502. TAXES FOR BONDS. At the time the district
3-49 issues bonds payable wholly or partly from ad valorem taxes, the
3-50 board shall provide for the annual imposition of a continuing
3-51 direct ad valorem tax, without limit as to rate or amount, while all
3-52 or part of the bonds are outstanding as required and in the manner
3-53 provided by Sections 54.601 and 54.602, Water Code.

3-54 Sec. 8068.0503. BONDS FOR ROAD PROJECTS. At the time of
3-55 issuance, the total principal amount of bonds or other obligations
3-56 issued or incurred to finance road projects and payable from ad
3-57 valorem taxes may not exceed one-fourth of the assessed value of the
3-58 real property in the district.

3-59 SECTION 2. The Fort Bend County Municipal Utility District
3-60 No. 233 initially includes all the territory contained in the
3-61 following area:

3-62 Being a 210.3-acre tract of land located in the J. D.
3-63 Vermillion Survey, A-340 and the B. B. B. & C. R.R. Co. Survey
3-64 No. 11, A-132, Fort Bend County, Texas; said 210.3-acre tract being
3-65 the remainder of a called 222.87-acre tract of land originally
3-66 conveyed to F.X. Joerger in Volume 86, Page 74 of the Fort Bend
3-67 County Deed Records (F.B.C.D.R.) and later partitioned in Clerk's
3-68 File Number 2017121854 of the Official Public Records of Fort Bend
3-69 County (O.P.R.F.B.C.); said 210.3-acre tract being more

4-1 particularly described by metes and bounds as follows (all bearings
4-2 are referenced to the Texas Coordinate System, NAD 83, 2011 Adj.,
4-3 South Central Zone):

4-4 Beginning at a 5/8-inch iron rod (bent) found for the east
4-5 corner of said called 222.87-acre tract, the north corner of The
4-6 Meadows on Koeblen, a subdivision recorded in Slide Number 1230A of
4-7 the Fort Bend County Plat Records (F.B.C.P.R.), same being on the
4-8 southwest line of a called 117.374-acre tract of land recorded in
4-9 Clerk's File Number 2009048080;

4-10 1. Thence, with the south line of said called 222.87-acre
4-11 tract and the north line of said The Meadows on Koeblen, South 42
4-12 degrees 13 minutes 09 seconds West, a distance of 841.11 feet to a
4-13 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the
4-14 northeasterly line of Koeblen Road (60 feet wide easement), as
4-15 recorded in Commissioners Court Meeting Minutes, dated April 28,
4-16 1986 from which a 1/2-inch iron pipe found for the north corner of a
4-17 called 100.5-acre tract of land recorded in Clerk's File Number
4-18 2012117049 of the O.P.R.F.B.C. bears S42°13'09"W, 7.78';

4-19 Thence, with the northwesterly and northeasterly easement
4-20 line of said Koeblen Road, the following four (4) courses:

4-21 2. 98.97 feet along the arc of a curve to the left, said
4-22 curve having a central angle of 46 degrees 28 minutes 52 seconds, a
4-23 radius of 122.00 feet and a chord that bears South 64 degrees 59
4-24 minutes 43 seconds West, a distance of 96.28 feet to a 5/8-inch iron
4-25 rod with cap stamped "COSTELLO INC" set;

4-26 3. South 41 degrees 45 minutes 17 seconds West, a distance
4-27 of 445.02 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
4-28 INC" set;

4-29 4. 127.94 feet along the arc of a curve to the right, said
4-30 curve having a central angle of 80 degrees 06 minutes 53 seconds, a
4-31 radius of 91.50 feet and a chord that bears South 81 degrees 48
4-32 minutes 43 seconds West, a distance of 117.77 feet to a 5/8-inch
4-33 iron rod with cap stamped "COSTELLO INC" set;

4-34 5. North 58 degrees 07 minutes 50 seconds West, a distance
4-35 of 5,475.47 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
4-36 INC" set at the easterly intersection of aforesaid Koeblen Road and
4-37 the pending south right-of-way (R.O.W.) line of FM 2218, TxDOT
4-38 Parcel 84, RCSJ 2093-01-028 dated February 2018;

4-39 6. Thence, with said south R.O.W. line of said FM 2218,
4-40 North 18 degrees 08 minutes 33 seconds East, a distance of 512.74
4-41 feet (called N18°08'39"W) to a TxDOT monument found;

4-42 7. Thence, continuing with said south R.O.W., 132.95 feet
4-43 along the arc of a curve to the right, said curve having a central
4-44 angle of 00 degrees 40 minutes 45 seconds, a radius of 11,215.00
4-45 feet and a chord that bears North 18 degrees 28 minutes 56 seconds
4-46 East, a distance of 132.94 feet to a 5/8-inch iron rod with cap
4-47 stamped "COSTELLO INC" set the northwest corner of the herein
4-48 described tract;

4-49 8. Thence, South 87 degrees 39 minutes 20 seconds East, a
4-50 distance of 2,317.30 feet to a 1-inch iron pipe found;

4-51 9. Thence, North 41 degrees 01 minutes 22 seconds East, a
4-52 distance of 329.07 feet a 3/4-inch iron pipe found on the northeast
4-53 line of aforesaid called 222.87-acre tract and the southwest line
4-54 of a called 105.672-acre tract of land recorded in Volume 2669, Page
4-55 428 of the F.B.C.D.R.;

4-56 10. Thence, with the northeast line of said called
4-57 222.87-acre tract, South 48 degrees 50 minutes 23 seconds East, a
4-58 distance of 122.46 feet to a 5/8-inch iron rod with cap stamped
4-59 "COSTELLO INC" set;

4-60 11. Thence, through said called 222.87-acre tract, South 47
4-61 degrees 30 minutes 57 seconds East, a distance of 1975.66 feet to a
4-62 5/8-inch iron rod with cap stamped "COSTELLO INC" set;

4-63 12. Thence, continuing through said called 222.87-acre
4-64 tract, North 50 degrees 13 minutes 33 seconds East, a distance of
4-65 46.23 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC"
4-66 set on the northeast line of said called 222.87-acre tract;

4-67 13. Thence, with the northeast line of said called
4-68 222.87-acre tract, South 48 degrees 50 minutes 23 seconds East, a
4-69 distance of 186.02' feet to a 1-inch iron pipe found for the south

5-1 corner of said called 105.672-acre tract and the westerly corner of
5-2 aforesaid called 117.374-acre tract;

5-3 14. Thence, with the common line of said called 222.87-acre
5-4 tract and said called 117.374-acre tract, South 47 degrees 51
5-5 minutes 59 seconds East, a distance of 1,695.75 feet to the Point of
5-6 Beginning and containing 210.3-acres of land.

5-7 SECTION 3. (a) The legal notice of the intention to
5-8 introduce this Act, setting forth the general substance of this
5-9 Act, has been published as provided by law, and the notice and a
5-10 copy of this Act have been furnished to all persons, agencies,
5-11 officials, or entities to which they are required to be furnished
5-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-13 Government Code.

5-14 (b) The governor, one of the required recipients, has
5-15 submitted the notice and Act to the Texas Commission on
5-16 Environmental Quality.

5-17 (c) The Texas Commission on Environmental Quality has filed
5-18 its recommendations relating to this Act with the governor, the
5-19 lieutenant governor, and the speaker of the house of
5-20 representatives within the required time.

5-21 (d) All requirements of the constitution and laws of this
5-22 state and the rules and procedures of the legislature with respect
5-23 to the notice, introduction, and passage of this Act are fulfilled
5-24 and accomplished.

5-25 SECTION 4. (a) Section 8068.0306, Special District Local
5-26 Laws Code, as added by Section 1 of this Act, takes effect only if
5-27 this Act receives a two-thirds vote of all the members elected to
5-28 each house.

5-29 (b) If this Act does not receive a two-thirds vote of all the
5-30 members elected to each house, Subchapter C, Chapter 8068, Special
5-31 District Local Laws Code, as added by Section 1 of this Act, is
5-32 amended by adding Section 8068.0306 to read as follows:

5-33 Sec. 8068.0306. NO EMINENT DOMAIN POWER. The district may
5-34 not exercise the power of eminent domain.

5-35 (c) This section is not intended to be an expression of a
5-36 legislative interpretation of the requirements of Section 17(c),
5-37 Article I, Texas Constitution.

5-38 SECTION 5. This Act takes effect immediately if it receives
5-39 a vote of two-thirds of all the members elected to each house, as
5-40 provided by Section 39, Article III, Texas Constitution. If this
5-41 Act does not receive the vote necessary for immediate effect, this
5-42 Act takes effect September 1, 2019.

5-43

* * * * *