

By: Miller

H.B. No. 3019

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 234; 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 8055 to read as follows:

CHAPTER 8055. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 234

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8055.0101. 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. 234.

Sec. 8055.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8055.0103. 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. 8055.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8055.0103 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. 8055.0105. 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. 8055.0106. 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. 8055.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8055.0202, directors
6 serve staggered four-year terms.

7 Sec. 8055.0202. TEMPORARY DIRECTORS. (a) On or after
8 September 1, 2019, the owner or owners of a majority of the assessed
9 value of the real property in the district may submit a petition to
10 the commission requesting that the commission appoint as temporary
11 directors the five persons named in the petition. The commission
12 shall appoint as temporary directors the five persons named in the
13 petition.

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

15 (1) the date permanent directors are elected under
16 Section 8055.0103; or

17 (2) September 1, 2023.

18 (c) If permanent directors have not been elected under
19 Section 8055.0103 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8055.0103; or

25 (2) the fourth anniversary of the date of the
26 appointment or reappointment.

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8055.0301. GENERAL POWERS AND DUTIES. The district
9 has the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 8055.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8055.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8055.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
23 road project must meet all applicable construction standards,
24 zoning and subdivision requirements, and regulations of each
25 municipality in whose corporate limits or extraterritorial
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road
2 project must meet all applicable construction standards,
3 subdivision requirements, and regulations of each county in which
4 the road project is located.

5 (c) If the state will maintain and operate the road, the
6 Texas Transportation Commission must approve the plans and
7 specifications of the road project.

8 Sec. 8055.0305. COMPLIANCE WITH MUNICIPAL CONSENT
9 ORDINANCE OR RESOLUTION. The district shall comply with all
10 applicable requirements of any ordinance or resolution that is
11 adopted under Section 54.016 or 54.0165, Water Code, and that
12 consents to the creation of the district or to the inclusion of land
13 in the district.

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8055.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
16 The district may issue, without an election, bonds and other
17 obligations secured by:

- 18 (1) revenue other than ad valorem taxes; or
19 (2) contract payments described by Section 8055.0403.

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

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

1 Sec. 8055.0402. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 8055.0401, the
3 district may impose an operation and maintenance tax on taxable
4 property in the district in accordance with Section 49.107, Water
5 Code.

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

8 Sec. 8055.0403. CONTRACT TAXES. (a) In accordance with
9 Section 49.108, Water Code, the district may impose a tax other than
10 an operation and maintenance tax and use the revenue derived from
11 the tax to make payments under a contract after the provisions of
12 the contract have been approved by a majority of the district voters
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8055.0501. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,
21 revenue, contract payments, grants, or other district money, or any
22 combination of those sources, to pay for any authorized district
23 purpose.

24 Sec. 8055.0502. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8055.0503. BONDS FOR ROAD PROJECTS. At the time of
4 issuance, the total principal amount of bonds or other obligations
5 issued or incurred to finance road projects and payable from ad
6 valorem taxes may not exceed one-fourth of the assessed value of the
7 real property in the district.

8 SECTION 2. The Fort Bend County Municipal Utility District
9 No. 234 initially includes all the territory contained in the
10 following area:

11 Being a 312.47 acre tract of land, located in the Mills M. Battle
12 League, Abstract-9, Fort Bend County, Texas; said 312.47 acre tract
13 being all of a called 311.889 acre tract, Tract 2, recorded in the
14 name of State of Texas for the use and benefit of the Permanent
15 School Fund, under Fort Bend County Clerk's File Number
16 (F.B.C.C.F.No.) 2003023371, also being all of a called 311.885
17 acres, Tract 2, of State of Texas Department of Highways and Public
18 Transportation, a subdivision plat of which is recorded under
19 Slides Number 1831B and 1832A, Plat Records of Fort Bend County,
20 Texas (P.R.F.B.C.T.); said 312.47 acre tract being more
21 particularly described by metes and bounds as follows (All bearings
22 and coordinates refer to the Texas Coordinate System of 1983, South
23 Central Zone, obtained from GPS Observation of monuments at either
24 end of the southerly boundary line (called South 65 degrees 40
25 minutes 41 seconds West, 3,232.12 feet, under said
26 F.B.C.C.F.No. 2003023371; and South 65 degrees 40 minutes 46
27 seconds West, 3,232.12 feet, under said Slides Number 1831B and

1 1832A, P.R.F.B.C.T.); (All bearings and coordinates are grid and
2 may be converted to surface by applying the combined scale factor of
3 0.999875); GPS observations referenced to base stations: DH3618
4 TXRO ROSENBERG CORS ARP, DF5352 ANG1 ANGLETON 1 CORS ARP, and DF4379
5 TXHU HOUSTON RRP2 CORS ARP; and processed through OPUS):
6 BEGINNING at a 5/8-inch iron rod found, with aluminum cap marked
7 Texas Department of Corrections (X=3,025,310.72; Y=13,782,264.28),
8 marking the southwest corner of said 311.889 acre tract, the
9 southeast corner of a called 20 acre tract recorded in the name of
10 Robert Schumann in Volume 66, Page 486, Probate Records of Fort Bend
11 County, Texas, said rod being in the west line of said Mills M.
12 Battle League, and the east line of the J. H. Cartwright League,
13 Abstract-16, said rod also being in the northerly right-of-way
14 (R.O.W.) line of the Southern Pacific Railroad (100 feet wide;
15 Volume V, Page 226, and Volume 39, Page 220, both of the Deed
16 Records of Fort Bend County, Texas (D.R.F.B.C.T.), for the
17 southwest corner of the herein described tract;
18 THENCE, with the west line of said Mills M. Battle League and said
19 311.889 acre tract, being the east line of said J. H. Cartwright
20 League, being the east lines of the following six (6) tracts of
21 land: said 20 acre tract; a called 63.275 acre tract recorded in the
22 name of Robert Schumann, et al, in Volume 2154, Page 1748,
23 D.R.F.B.C.T.; Chelsea Harbour, Sec. 1, a subdivision plat of which
24 is recorded under Slides Number 2218B, 2219A and 2219B,
25 P.R.F.B.C.T.; Chelsea Harbour, Sec. 2, a subdivision plat of which
26 is recorded under Slides Number 2453B and 2454A, P.R.F.B.C.T.; a
27 called 37.6535 acre tract recorded in the name of Campbell Concrete

1 & Materials, L.P., under F.B.C.C.F.No. 9825453; and a called 40.0
2 acre tract recorded in the name of Timothy Lee Schumann, et al,
3 under F.B.C.C.F.No. 2003074810; North 02 degrees 47 minutes 14
4 seconds West, passing at a distance of 902.09 feet, a 1/2-inch iron
5 pipe (disturbed) found 1.7 feet East of line, passing at 1,426.25
6 feet, a 1/2-inch iron pipe (disturbed) found 1.9 feet East of line,
7 passing at 1,950.35 feet, a 1/2-inch iron pipe (disturbed) found
8 2.1 feet East of line, passing at 2,475.25 feet, a 1/2-inch iron
9 pipe found 2.2 feet East of line, passing at 3,015.52 feet, a
10 1/2-inch iron pipe found at a fence corner 2.7 feet East of line,
11 passing at 4,554.09 feet, a 1/2-inch iron pipe found 2.9 feet East
12 of line, passing at 5,716.72 feet, a 1-inch iron pipe found marking
13 a reference point on the high-bank of Oyster Creek, continuing in
14 all a total distance of 5,816.84 feet (called North 02 degrees 47
15 minutes 15 seconds West, 5,816.84 feet, under said
16 F.B.C.C.F.No. 2003023371; and North 02 degrees 47 minutes 10
17 seconds West, 5,816.84 feet, under said Slides Number 1831B and
18 1832A, P.R.F.B.C.T.), to a point at the northwest corner of said
19 311.889 acre tract, and the southwest corner of a called 310.602
20 acre tract recorded in the name of The Houston Parks Board, in
21 Volume 2161, Page 882, D.R.F.B.C.T., in the centerline of said
22 Oyster Creek , for the northwest corner of the herein described
23 tract;
24 THENCE, along the northerly lines of said 311.889 acre tract, and
25 the southerly lines of said 310.602 acre tract, being the
26 centerline of said Oyster Creek, the following twenty-three (23)
27 courses:

- 1 1. North 28 degrees 48 minutes 31 seconds East, a distance of 56.10
2 feet, to an angle point;
- 3 2. North 62 degrees 55 minutes 53 seconds East, a distance of
4 113.39 feet, to an angle point;
- 5 3. North 77 degrees 44 minutes 38 seconds East, a distance of
6 365.14 feet, to an angle point;
- 7 4. South 87 degrees 27 minutes 26 seconds East, a distance of
8 153.90 feet, to an angle point;
- 9 5. South 61 degrees 26 minutes 43 seconds East, a distance of
10 176.89 feet, to an angle point;
- 11 6. South 47 degrees 07 minutes 30 seconds East, a distance of
12 141.17 feet, to an angle point;
- 13 7. South 59 degrees 07 minutes 05 seconds East, a distance of
14 174.90 feet, to an angle point;
- 15 8. South 36 degrees 41 minutes 05 seconds East, a distance of
16 119.78 feet, to an angle point;
- 17 9. South 26 degrees 38 minutes 40 seconds East, a distance of
18 386.47 feet, to an angle point;
- 19 10. South 21 degrees 03 minutes 17 seconds East, a distance of
20 195.66 feet, to an angle point;
- 21 11. South 28 degrees 51 minutes 45 seconds East, a distance of
22 313.25 feet, to an angle point;
- 23 12. South 54 degrees 11 minutes 56 seconds East, a distance of
24 125.49 feet, to an angle point;
- 25 13. South 66 degrees 58 minutes 32 seconds East, a distance of
26 83.72 feet, to an angle point;
- 27 14. South 71 degrees 22 minutes 55 seconds East, a distance of

1 164.67 feet, to an angle point;
2 15. South 81 degrees 06 minutes 18 seconds East, a distance of
3 242.28 feet, to an angle point;
4 16. South 88 degrees 00 minutes 32 seconds East, a distance of
5 218.36 feet, to an angle point;
6 17. North 88 degrees 28 minutes 11 seconds East, a distance of
7 220.44 feet, to an angle point;
8 18. North 86 degrees 08 minutes 50 seconds East, a distance of
9 102.54 feet, to an angle point;
10 19. North 74 degrees 01 minutes 18 seconds East, a distance of
11 64.46 feet, to an angle point;
12 20. North 62 degrees 38 minutes 26 seconds East, a distance of
13 128.70 feet, to an angle point;
14 21. North 45 degrees 43 minutes 00 seconds East, a distance of
15 129.35 feet, to an angle point;
16 22. North 49 degrees 07 minutes 47 seconds East, a distance of
17 117.34 feet, to an angle point;
18 23. North 48 degrees 31 minutes 10 seconds East, a distance of
19 88.29 feet, to the northeast corner of said 311.889 acre tract, in
20 the westerly line of the residue of a 5,202.88 acre tract recorded
21 in the name of Central Prison Farm, in Volume 152, Page 425,
22 D.R.F.B.C.T., for the northeast corner of the herein described
23 tract;
24 THENCE, with the east line of said 311.889 acre tract, and the west
25 line of said residue tract, South 02 degrees 47 minutes 39 seconds
26 East, passing at 92.26 feet, a 1 inch iron pipe found marking a
27 reference on the high-bank of said Oyster Creek, continuing in all a

1 total distance of 3,597.17 feet (called South 02 degrees 47 minutes
2 40 seconds East, 3,586.77 feet, under said
3 F.B.C.C.F.No. 2003023371; and South 02 degrees 47 minutes 41
4 seconds East, 3,586.75 feet, under said Slides Number 1831B and
5 1832A, P.R.F.B.C.T.), to a capped 5/8-inch iron rod
6 (X=3,028,255.61; Y=13,783,595.29), marked Miller Survey Group set
7 at the southeast corner of said 311.889 acre tract, and the
8 southwest corner of said residue tract, being in the northerly
9 R.O.W. line of said Southern Pacific Railroad, for the southeast
10 corner of the herein described tract;

11 THENCE, with the south line of said 311.889 acre tract, and the
12 northerly R.O.W. line of said Southern Pacific Railroad, South 65
13 degrees 40 minutes 42 seconds West, a distance of 3,232.11 feet, to
14 the POINT OF BEGINNING and containing 312.47 acres of land.

15 Approximately 15.29 acres of this tract lies within the boundaries
16 of AE floodway of oyster creek, as shown on the recorded plat of
17 State of Texas State Department of Highways and Public
18 Transportation.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

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

10 SECTION 4. (a) If this Act does not receive a two-thirds
11 vote of all the members elected to each house, Subchapter C, Chapter
12 8055, Special District Local Laws Code, as added by Section 1 of
13 this Act, is amended by adding Section 8055.0306 to read as follows:

14 Sec. 8055.0306. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

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

19 SECTION 5. This Act takes effect September 1, 2019.