

1-1 By: Miller (Senate Sponsor - Kolthorst) H.B. No. 3019
1-2 (In the Senate - Received from the House May 8, 2019;
1-3 May 10, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 17, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 17, 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. 234; 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 8055 to read as follows:

1-24 CHAPTER 8055. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 234

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8055.0101. 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. 234.

1-33 Sec. 8055.0102. 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. 8055.0103. 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. 8055.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section
1-42 8055.0103 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. 8055.0105. 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. 8055.0106. 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. 8055.0201. 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 8055.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8055.0202. TEMPORARY DIRECTORS. (a) On or after

2-13 September 1, 2019, the owner or owners of a majority of the assessed

2-14 value of the real property in the district may submit a petition to

2-15 the commission requesting that the commission appoint as temporary

2-16 directors the five persons named in the petition. The commission

2-17 shall appoint as temporary directors the five persons named in the

2-18 petition.

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

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

2-21 Section 8055.0103; or

2-22 (2) September 1, 2023.

2-23 (c) If permanent directors have not been elected under

2-24 Section 8055.0103 and the terms of the temporary directors have

2-25 expired, successor temporary directors shall be appointed or

2-26 reappointed as provided by Subsection (d) to serve terms that

2-27 expire on the earlier of:

2-28 (1) the date permanent directors are elected under

2-29 Section 8055.0103; or

2-30 (2) the fourth anniversary of the date of the

2-31 appointment or reappointment.

2-32 (d) If Subsection (c) applies, the owner or owners of a

2-33 majority of the assessed value of the real property in the district

2-34 may submit a petition to the commission requesting that the

2-35 commission appoint as successor temporary directors the five

2-36 persons named in the petition. The commission shall appoint as

2-37 successor temporary directors the five persons named in the

2-38 petition.

2-39 SUBCHAPTER C. POWERS AND DUTIES

2-40 Sec. 8055.0301. GENERAL POWERS AND DUTIES. The district

2-41 has the powers and duties necessary to accomplish the purposes for

2-42 which the district is created.

2-43 Sec. 8055.0302. MUNICIPAL UTILITY DISTRICT POWERS AND

2-44 DUTIES. The district has the powers and duties provided by the

2-45 general law of this state, including Chapters 49 and 54, Water Code,

2-46 applicable to municipal utility districts created under Section 59,

2-47 Article XVI, Texas Constitution.

2-48 Sec. 8055.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

2-49 52, Article III, Texas Constitution, the district may design,

2-50 acquire, construct, finance, issue bonds for, improve, operate,

2-51 maintain, and convey to this state, a county, or a municipality for

2-52 operation and maintenance macadamized, graveled, or paved roads, or

2-53 improvements, including storm drainage, in aid of those roads.

2-54 Sec. 8055.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-55 road project must meet all applicable construction standards,

2-56 zoning and subdivision requirements, and regulations of each

2-57 municipality in whose corporate limits or extraterritorial

2-58 jurisdiction the road project is located.

2-59 (b) If a road project is not located in the corporate limits

2-60 or extraterritorial jurisdiction of a municipality, the road

2-61 project must meet all applicable construction standards,

2-62 subdivision requirements, and regulations of each county in which

2-63 the road project is located.

2-64 (c) If the state will maintain and operate the road, the

2-65 Texas Transportation Commission must approve the plans and

2-66 specifications of the road project.

2-67 Sec. 8055.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-68 ORDINANCE OR RESOLUTION. The district shall comply with all

2-69 applicable requirements of any ordinance or resolution that is

3-1 adopted under Section 54.016 or 54.0165, Water Code, and that
3-2 consents to the creation of the district or to the inclusion of land
3-3 in the district.

3-4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-5 Sec. 8055.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3-6 The district may issue, without an election, bonds and other
3-7 obligations secured by:

3-8 (1) revenue other than ad valorem taxes; or

3-9 (2) contract payments described by Section 8055.0403.

3-10 (b) The district must hold an election in the manner
3-11 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-12 before the district may impose an ad valorem tax or issue bonds
3-13 payable from ad valorem taxes.

3-14 (c) The district may not issue bonds payable from ad valorem
3-15 taxes to finance a road project unless the issuance is approved by a
3-16 vote of a two-thirds majority of the district voters voting at an
3-17 election held for that purpose.

3-18 Sec. 8055.0402. OPERATION AND MAINTENANCE TAX. (a) If

3-19 authorized at an election held under Section 8055.0401, the
3-20 district may impose an operation and maintenance tax on taxable
3-21 property in the district in accordance with Section 49.107, Water
3-22 Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 8055.0403. CONTRACT TAXES. (a) In accordance with

3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 8055.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 8055.0502. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 8055.0503. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Fort Bend County Municipal Utility District
3-53 No. 234 initially includes all the territory contained in the
3-54 following area:

3-55 Being a 312.47 acre tract of land, located in the Mills M. Battle
3-56 League, Abstract-9, Fort Bend County, Texas; said 312.47 acre tract
3-57 being all of a called 311.889 acre tract, Tract 2, recorded in the
3-58 name of State of Texas for the use and benefit of the Permanent
3-59 School Fund, under Fort Bend County Clerk's File Number
3-60 (F.B.C.C.F.No.) 2003023371, also being all of a called 311.885
3-61 acres, Tract 2, of State of Texas Department of Highways and Public
3-62 Transportation, a subdivision plat of which is recorded under
3-63 Slides Number 1831B and 1832A, Plat Records of Fort Bend County,
3-64 Texas (P.R.F.B.C.T.); said 312.47 acre tract being more
3-65 particularly described by metes and bounds as follows (All bearings
3-66 and coordinates refer to the Texas Coordinate System of 1983, South
3-67 Central Zone, obtained from GPS Observation of monuments at either
3-68 end of the southerly boundary line (called South 65 degrees 40
3-69 minutes 41 seconds West, 3,232.12 feet, under said

4-1 F.B.C.C.F.No. 2003023371; and South 65 degrees 40 minutes 46
4-2 seconds West, 3,232.12 feet, under said Slides Number 1831B and
4-3 1832A, P.R.F.B.C.T.); (All bearings and coordinates are grid and
4-4 may be converted to surface by applying the combined scale factor of
4-5 0.999875); GPS observations referenced to base stations: DH3618
4-6 TXRO ROSENBERG CORS ARP, DF5352 ANGL1 ANGLETON 1 CORS ARP, and DF4379
4-7 TXHU HOUSTON RRP2 CORS ARP; and processed through OPUS):
4-8 BEGINNING at a 5/8-inch iron rod found, with aluminum cap marked
4-9 Texas Department of Corrections (X=3,025,310.72; Y=13,782,264.28),
4-10 marking the southwest corner of said 311.889 acre tract, the
4-11 southeast corner of a called 20 acre tract recorded in the name of
4-12 Robert Schumann in Volume 66, Page 486, Probate Records of Fort Bend
4-13 County, Texas, said rod being in the west line of said Mills M.
4-14 Battle League, and the east line of the J. H. Cartwright League,
4-15 Abstract-16, said rod also being in the northerly right-of-way
4-16 (R.O.W.) line of the Southern Pacific Railroad (100 feet wide;
4-17 Volume V, Page 226, and Volume 39, Page 220, both of the Deed
4-18 Records of Fort Bend County, Texas (D.R.F.B.C.T.), for the
4-19 southwest corner of the herein described tract;
4-20 THENCE, with the west line of said Mills M. Battle League and said
4-21 311.889 acre tract, being the east line of said J. H. Cartwright
4-22 League, being the east lines of the following six (6) tracts of
4-23 land: said 20 acre tract; a called 63.275 acre tract recorded in the
4-24 name of Robert Schumann, et al, in Volume 2154, Page 1748,
4-25 D.R.F.B.C.T.; Chelsea Harbour, Sec. 1, a subdivision plat of which
4-26 is recorded under Slides Number 2218B, 2219A and 2219B,
4-27 P.R.F.B.C.T.; Chelsea Harbour, Sec. 2, a subdivision plat of which
4-28 is recorded under Slides Number 2453B and 2454A, P.R.F.B.C.T.; a
4-29 called 37.6535 acre tract recorded in the name of Campbell Concrete
4-30 & Materials, L.P., under F.B.C.C.F.No. 9825453; and a called 40.0
4-31 acre tract recorded in the name of Timothy Lee Schumann, et al,
4-32 under F.B.C.C.F.No. 2003074810; North 02 degrees 47 minutes 14
4-33 seconds West, passing at a distance of 902.09 feet, a 1/2-inch iron
4-34 pipe (disturbed) found 1.7 feet East of line, passing at 1,426.25
4-35 feet, a 1/2-inch iron pipe (disturbed) found 1.9 feet East of line,
4-36 passing at 1,950.35 feet, a 1/2-inch iron pipe (disturbed) found
4-37 2.1 feet East of line, passing at 2,475.25 feet, a 1/2-inch iron
4-38 pipe found 2.2 feet East of line, passing at 3,015.52 feet, a
4-39 1/2-inch iron pipe found at a fence corner 2.7 feet East of line,
4-40 passing at 4,554.09 feet, a 1/2-inch iron pipe found 2.9 feet East
4-41 of line, passing at 5,716.72 feet, a 1-inch iron pipe found marking
4-42 a reference point on the high-bank of Oyster Creek, continuing in
4-43 all a total distance of 5,816.84 feet (called North 02 degrees 47
4-44 minutes 15 seconds West, 5,816.84 feet, under said
4-45 F.B.C.C.F.No. 2003023371; and North 02 degrees 47 minutes 10
4-46 seconds West, 5,816.84 feet, under said Slides Number 1831B and
4-47 1832A, P.R.F.B.C.T.), to a point at the northwest corner of said
4-48 311.889 acre tract, and the southwest corner of a called 310.602
4-49 acre tract recorded in the name of The Houston Parks Board, in
4-50 Volume 2161, Page 882, D.R.F.B.C.T., in the centerline of said
4-51 Oyster Creek, for the northwest corner of the herein described
4-52 tract;
4-53 THENCE, along the northerly lines of said 311.889 acre tract, and
4-54 the southerly lines of said 310.602 acre tract, being the
4-55 centerline of said Oyster Creek, the following twenty-three (23)
4-56 courses:
4-57 1. North 28 degrees 48 minutes 31 seconds East, a distance of 56.10
4-58 feet, to an angle point;
4-59 2. North 62 degrees 55 minutes 53 seconds East, a distance of
4-60 113.39 feet, to an angle point;
4-61 3. North 77 degrees 44 minutes 38 seconds East, a distance of
4-62 365.14 feet, to an angle point;
4-63 4. South 87 degrees 27 minutes 26 seconds East, a distance of
4-64 153.90 feet, to an angle point;
4-65 5. South 61 degrees 26 minutes 43 seconds East, a distance of
4-66 176.89 feet, to an angle point;
4-67 6. South 47 degrees 07 minutes 30 seconds East, a distance of
4-68 141.17 feet, to an angle point;
4-69 7. South 59 degrees 07 minutes 05 seconds East, a distance of

5-1 174.90 feet, to an angle point;
 5-2 8. South 36 degrees 41 minutes 05 seconds East, a distance of
 5-3 119.78 feet, to an angle point;
 5-4 9. South 26 degrees 38 minutes 40 seconds East, a distance of
 5-5 386.47 feet, to an angle point;
 5-6 10. South 21 degrees 03 minutes 17 seconds East, a distance of
 5-7 195.66 feet, to an angle point;
 5-8 11. South 28 degrees 51 minutes 45 seconds East, a distance of
 5-9 313.25 feet, to an angle point;
 5-10 12. South 54 degrees 11 minutes 56 seconds East, a distance of
 5-11 125.49 feet, to an angle point;
 5-12 13. South 66 degrees 58 minutes 32 seconds East, a distance of
 5-13 83.72 feet, to an angle point;
 5-14 14. South 71 degrees 22 minutes 55 seconds East, a distance of
 5-15 164.67 feet, to an angle point;
 5-16 15. South 81 degrees 06 minutes 18 seconds East, a distance of
 5-17 242.28 feet, to an angle point;
 5-18 16. South 88 degrees 00 minutes 32 seconds East, a distance of
 5-19 218.36 feet, to an angle point;
 5-20 17. North 88 degrees 28 minutes 11 seconds East, a distance of
 5-21 220.44 feet, to an angle point;
 5-22 18. North 86 degrees 08 minutes 50 seconds East, a distance of
 5-23 102.54 feet, to an angle point;
 5-24 19. North 74 degrees 01 minutes 18 seconds East, a distance of
 5-25 64.46 feet, to an angle point;
 5-26 20. North 62 degrees 38 minutes 26 seconds East, a distance of
 5-27 128.70 feet, to an angle point;
 5-28 21. North 45 degrees 43 minutes 00 seconds East, a distance of
 5-29 129.35 feet, to an angle point;
 5-30 22. North 49 degrees 07 minutes 47 seconds East, a distance of
 5-31 117.34 feet, to an angle point;
 5-32 23. North 48 degrees 31 minutes 10 seconds East, a distance of
 5-33 88.29 feet, to the northeast corner of said 311.889 acre tract, in
 5-34 the westerly line of the residue of a 5,202.88 acre tract recorded
 5-35 in the name of Central Prison Farm, in Volume 152, Page 425,
 5-36 D.R.F.B.C.T., for the northeast corner of the herein described
 5-37 tract;
 5-38 THENCE, with the east line of said 311.889 acre tract, and the west
 5-39 line of said residue tract, South 02 degrees 47 minutes 39 seconds
 5-40 East, passing at 92.26 feet, a 1 inch iron pipe found marking a
 5-41 reference on the high-bank of said Oyster Creek, continuing in all a
 5-42 total distance of 3,597.17 feet (called South 02 degrees 47 minutes
 5-43 40 seconds East, 3,586.77 feet, under said
 5-44 F.B.C.C.F.No. 2003023371; and South 02 degrees 47 minutes 41
 5-45 seconds East, 3,586.75 feet, under said Slides Number 1831B and
 5-46 1832A, P.R.F.B.C.T.), to a capped 5/8-inch iron rod
 5-47 (X=3,028,255.61; Y=13,783,595.29), marked Miller Survey Group set
 5-48 at the southeast corner of said 311.889 acre tract, and the
 5-49 southwest corner of said residue tract, being in the northerly
 5-50 R.O.W. line of said Southern Pacific Railroad, for the southeast
 5-51 corner of the herein described tract;
 5-52 THENCE, with the south line of said 311.889 acre tract, and the
 5-53 northerly R.O.W. line of said Southern Pacific Railroad, South 65
 5-54 degrees 40 minutes 42 seconds West, a distance of 3,232.11 feet, to
 5-55 the POINT OF BEGINNING and containing 312.47 acres of land.
 5-56 Approximately 15.29 acres of this tract lies within the boundaries
 5-57 of AE floodway of oyster creek, as shown on the recorded plat of
 5-58 State of Texas State Department of Highways and Public
 5-59 Transportation.
 5-60 SECTION 3. (a) The legal notice of the intention to
 5-61 introduce this Act, setting forth the general substance of this
 5-62 Act, has been published as provided by law, and the notice and a
 5-63 copy of this Act have been furnished to all persons, agencies,
 5-64 officials, or entities to which they are required to be furnished
 5-65 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-66 Government Code.
 5-67 (b) The governor, one of the required recipients, has
 5-68 submitted the notice and Act to the Texas Commission on
 5-69 Environmental Quality.

6-1 (c) The Texas Commission on Environmental Quality has filed
6-2 its recommendations relating to this Act with the governor, the
6-3 lieutenant governor, and the speaker of the house of
6-4 representatives within the required time.

6-5 (d) All requirements of the constitution and laws of this
6-6 state and the rules and procedures of the legislature with respect
6-7 to the notice, introduction, and passage of this Act are fulfilled
6-8 and accomplished.

6-9 SECTION 4. (a) If this Act does not receive a two-thirds
6-10 vote of all the members elected to each house, Subchapter C, Chapter
6-11 8055, Special District Local Laws Code, as added by Section 1 of
6-12 this Act, is amended by adding Section 8055.0306 to read as follows:

6-13 Sec. 8055.0306. NO EMINENT DOMAIN POWER. The district may
6-14 not exercise the power of eminent domain.

6-15 (b) This section is not intended to be an expression of a
6-16 legislative interpretation of the requirements of Section 17(c),
6-17 Article I, Texas Constitution.

6-18 SECTION 5. This Act takes effect September 1, 2019.

6-19

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