

By: Bell of Montgomery

H.B. No. 3214

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Water Control and Improvement District No. 3; 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9085 to read as follows:

CHAPTER 9085. WALLER COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9085.0101. 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 Waller County Water Control and Improvement District No. 3.

Sec. 9085.0102. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9085.0103. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 9085.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 9085.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 9085.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

11 (1) a water control and improvement district as
12 provided by general law and Section 59, Article XVI, Texas
13 Constitution, including the collection, transportation,
14 processing, disposal, and control of domestic, industrial, or
15 communal waste and the gathering, conducting, diverting, and
16 control of local storm water or other harmful excesses of water; and

17 (2) Section 52, Article III, Texas Constitution, that
18 relate to the construction, acquisition, improvement, operation,
19 or maintenance of macadamized, graveled, or paved roads, or
20 improvements, including storm drainage, in aid of those roads.

21 Sec. 9085.0106. INITIAL DISTRICT TERRITORY. (a) The
22 district is initially composed of the territory described by
23 Section 2 of the Act enacting this chapter.

24 (b) The boundaries and field notes contained in Section 2 of
25 the Act enacting this chapter form a closure. A mistake made in the
26 field notes or in copying the field notes in the legislative process
27 does not affect the district's:

1 (1) organization, existence, or validity;

2 (2) right to issue any type of bond for the purposes
3 for which the district is created or to pay the principal of and
4 interest on a bond;

5 (3) right to impose a tax; or

6 (4) legality or operation.

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 9085.0201. GOVERNING BODY; TERMS. (a) The district is
9 governed by a board of five elected directors.

10 (b) Except as provided by Section 9085.0202, directors
11 serve staggered four-year terms.

12 Sec. 9085.0202. TEMPORARY DIRECTORS. (a) On or after the
13 effective date of the Act enacting this chapter, the owner or owners
14 of a majority of the assessed value of the real property in the
15 district may submit a petition to the commission requesting that
16 the commission appoint as temporary directors the five persons
17 named in the petition. The commission shall appoint as temporary
18 directors the five persons named in the petition.

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

20 (1) the date permanent directors are elected under
21 Section 9085.0103; or

22 (2) the fourth anniversary of the effective date of
23 the Act enacting this chapter.

24 (c) If permanent directors have not been elected under
25 Section 9085.0103 and the terms of the temporary directors have
26 expired, successor temporary directors shall be appointed or
27 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Section 9085.0103; or

4 (2) the fourth anniversary of the date of the
5 appointment or reappointment.

6 (d) If Subsection (c) applies, the owner or owners of a
7 majority of the assessed value of the real property in the district
8 may submit a petition to the commission requesting that the
9 commission appoint as successor temporary directors the five
10 persons named in the petition. The commission shall appoint as
11 successor temporary directors the five persons named in the
12 petition.

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 9085.0301. GENERAL POWERS AND DUTIES. The district
15 has the powers and duties necessary to accomplish the purposes for
16 which the district is created.

17 Sec. 9085.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
18 POWERS AND DUTIES. The district has the powers and duties provided
19 by the general law of this state applicable to water control and
20 improvement districts created under Section 59, Article XVI, Texas
21 Constitution, including Chapters 49 and 51, Water Code, and
22 specifically including the powers and duties authorized under
23 Subchapter H, Chapter 51, Water Code.

24 Sec. 9085.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
25 52, Article III, Texas Constitution, the district may design,
26 acquire, construct, finance, issue bonds for, improve, operate,
27 maintain, and convey to this state, a county, or a municipality for

1 operation and maintenance macadamized, graveled, or paved roads, or
2 improvements, including storm drainage, in aid of those roads.

3 Sec. 9085.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
4 road project must meet all applicable construction standards,
5 zoning and subdivision requirements, and regulations of each
6 municipality in whose corporate limits or extraterritorial
7 jurisdiction the road project is located.

8 (b) If a road project is not located in the corporate limits
9 or extraterritorial jurisdiction of a municipality, the road
10 project must meet all applicable construction standards,
11 subdivision requirements, and regulations of each county in which
12 the road project is located.

13 (c) If the state will maintain and operate the road, the
14 Texas Transportation Commission must approve the plans and
15 specifications of the road project.

16 Sec. 9085.0305. COMPLIANCE WITH MUNICIPAL CONSENT
17 ORDINANCE OR RESOLUTION. The district shall comply with all
18 applicable requirements of any ordinance or resolution that is
19 adopted under Section 42.042 or 42.0425, Local Government Code, and
20 consents to the creation of the district or to the inclusion of land
21 in the district.

22 Sec. 9085.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
23 district may not exercise the power of eminent domain outside the
24 district boundaries to acquire a site or easement for:

25 (1) a recreational facility, as defined by Section
26 49.462, Water Code; or

27 (2) a road project authorized by Section 9085.0303.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9085.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9085.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 9085.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9085.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 9085.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5 Sec. 9085.0501. AUTHORITY TO ISSUE BONDS AND OTHER
6 OBLIGATIONS. The district may issue bonds or other obligations
7 payable wholly or partly from ad valorem taxes, impact fees,
8 revenue, contract payments, grants, or other district money, or any
9 combination of those sources, to pay for any authorized district
10 purpose.

11 Sec. 9085.0502. TAXES FOR BONDS. At the time the district
12 issues bonds payable wholly or partly from ad valorem taxes, the
13 board shall provide for the annual imposition of a continuing
14 direct ad valorem tax, without limit as to rate or amount, while all
15 or part of the bonds are outstanding as required and in the manner
16 provided by Chapter 51, Water Code.

17 Sec. 9085.0503. BONDS FOR ROAD PROJECTS. At the time of
18 issuance, the total principal amount of bonds or other obligations
19 issued or incurred to finance road projects and payable from ad
20 valorem taxes may not exceed one-fourth of the assessed value of the
21 real property in the district.

22 Sec. 9085.0504. BONDS FOR RECREATIONAL FACILITIES. (a)
23 The district may develop recreational facilities and issue bonds
24 for recreational facilities as provided by Chapter 49, Water Code,
25 regardless of whether the district's territory overlaps with the
26 territory of a political subdivision that is authorized to develop
27 recreational facilities and issue bonds for recreational

1 facilities under Chapter 49, Water Code.

2 (b) The authority of the district to develop recreational
3 facilities and issue bonds for recreational facilities under this
4 section does not limit the authority of another political
5 subdivision whose territory the territory of the district may
6 overlap, wholly or partly, to develop recreational facilities and
7 issue bonds for recreational facilities under Chapter 49, Water
8 Code.

9 SECTION 2. The Waller County Water Control and Improvement
10 District No. 3 initially includes all the territory contained in
11 the following area:

12 A metes & bounds description of a certain 3,791 acre
13 (165,143,925 square feet) tract of land situated in the W.
14 McCutchen (H. & T.C. R.R. Co.) Survey, Abstract No. 312, H. & T.C.
15 R.R. Co. Survey, Abstract No. 145, W. McCutchen (H. & T.C. R.R. Co.)
16 Survey, Abstract No. 315, H. & T.C. R.R. Co. Survey, Abstract
17 No. 193, W. McCutchen (H. & T.C. R.R. Co.) Survey, Abstract
18 No. 309, H. & T.C. R.R. Co. Survey, Abstract No. 192, H. & T.C. R.R.
19 Co. Survey, Abstract No. 188, J. McCutchen (H. & T.C. R.R. Co.)
20 Survey, Abstract No. 307, and the E. Wright (H. & T. R.R. Co.)
21 Survey, Abstract No. 381 in Waller County, Texas, being all of a
22 called 640 acre tract conveyed to Margaret Sager Pfeffer Estate
23 Trust by Deed recorded in Volume 271, Page 308, Waller County Deed
24 Records, being all of a called 640 acre tract conveyed to Adolph and
25 Noelie Pfeffer Family Partnership One, Ltd. and Adolph and Noelie
26 Pfeffer Family Partnership Two, Ltd. by Special Warranty Deed
27 recorded in Volume 1284, Page 133, Waller Official Public Records

1 of Real Property, being all of a called 823.996 acre tract conveyed
2 to Adolph A. Pfeffer Sr., Trustee, of the Margaret Sager Pfeffer
3 Estate Trust by Warranty Deed recorded in Volume 297, Page 825,
4 Waller County Deed Records, being all of a called 320 acre tract
5 conveyed to Cochran Road Partners, LLC by Special Warranty Deed
6 recorded in Volume 1212, Page 399, Waller County Deed Records,
7 being all of a called 640 acre tract conveyed to Cochran Road
8 Partners, LLC by Special Warranty Deed recorded in Volume 1212,
9 Page 399, Waller County Deed Records, being all of a called 152 acre
10 tract conveyed to Cochran Road Partners, LLC by Special Warranty
11 Deed recorded in Volume 1212, Page 399, Waller County Official
12 Public Records of Real Property, being all of a called 80.741 acre
13 tract conveyed to Adolph A. Pfeffer, Jr., Trustee, of the Margaret
14 Sager Pfeffer Estate Trust by Warranty Deed recorded in Volume 570,
15 Page 822, Waller County Deed Records, being all of a called 40 acre
16 (Tract 6) tract conveyed to Adolph Pfeffer by Deed recorded in
17 Volume 350, Page 5, Waller County Deed Records, being all of a
18 called 40 acre (Tract 7) tract conveyed to Adolph Pfeffer by Deed
19 recorded in Volume 350, Page 5, Waller County Deed Records, being
20 all of a called 119.5 acre (being 159.5 acres less 40 acres) tract
21 conveyed to Adolph Pfeffer by Deed recorded in Volume 350, Page 5,
22 Waller County Deed Records, being all of Lot 6 (called Tract 1)
23 conveyed to Adolph Pfeffer by Partition Deed recorded in Volume
24 350, Page 5, Waller County Deed Records, being all of Lot 7 (called
25 Tract 2) conveyed to Adolph Pfeffer by Partition Deed recorded in
26 Volume 350, Page 5, Waller County Deed Records, being all of Lot 8
27 (called Tract 3) conveyed to Adolph Pfeffer by Partition Deed

1 recorded in Volume 350, Page 5, Waller County Deed Records, being
2 all of Lot 9 (called Tract 4) conveyed to Adolph Pfeffer by
3 Partition Deed recorded in Volume 350, Page 5, Waller County Deed
4 Records, being the residue of a called 20.00 acre tract conveyed to
5 Adolph A. Pfeffer by Special Warranty Deed recorded in Volume 1109,
6 Page 001, Waller County Official Public Records of Real Property,
7 and being a portion of tracts conveyed to Adolph A. Pfeffer by deed
8 recorded in Volume 119, Page 113 Waller County Deed Records; said
9 3,791-acre (165,143,925 square feet) tract of land being more
10 particularly described as follows with all bearings being based on
11 the Texas Coordinate System, South Central Zone, NAD 83:

12 BEGINNING at a point being the southeast corner of said
13 called 640 acre tract conveyed to Margaret Sager Pfeffer Estate
14 Trust;

15 THENCE, North 90°00'00" West, 5,280.00 feet to a point for a
16 corner being the southwest corner of said called 640 acre tract
17 conveyed to Margaret Sager Pfeffer Estate Trust;

18 THENCE, North 00°00'00" West, 2,640.00 feet to a point for
19 corner being in the west line of said called 640 acre tract conveyed
20 to Margaret Sager Pfeffer Estate Trust and being the southeast
21 corner of said called 320 acre tract;

22 THENCE, North 90°00'00" West, 5,280.00 feet to a point for
23 corner being the southwest corner of said called 320 acre tract;

24 THENCE, North 00°00'00" East, 2,728.33 feet to a point for
25 corner being the northwest corner of said called 320 acre tract,
26 being the southwest corner of said called 640 acre tract conveyed to
27 Cochran Road Partners, LLC, and being the southeast corner of said

1 called Volume 119, Page 113;

2 THENCE, North 90°00'00" West, 761.11 feet to a point for
3 corner being in the south line of said called Volume 119, Page 113;

4 THENCE, South 89°36'31" West, 1,319.30 feet to a point for
5 corner being the southwest corner of said called Volume 119, Page
6 113 and being the southeast corner of said called 80.741 acre tract;

7 THENCE, North 89°37'42" West, 1,843.37 feet to a point for
8 corner being the southwest corner of said called residue of a called
9 20.00 acre tract;

10 THENCE, North 00°22'16" East, 1,105.28 feet to a point for
11 corner being in the west line of said called residue of a called 20
12 acre tract;

13 THENCE, South 89°37'43" East, 500.54 feet to a point for
14 corner being in the west line of said called 80.741 acre tract and
15 being in the east line of said called residue of a called 20.00 acre
16 tract;

17 THENCE, North 01°24'32" West, 391.93 feet to a point for
18 corner being in the west line of said called 80.741 acre tract and
19 being in the east line of said called residue of a called 20.00 acre
20 tract;

21 THENCE, North 01°16'47" East, 33.21 feet to a point for corner
22 being in the west line of said called 80.741 acre tract and being in
23 the east line of said called residue of a called 20.00 acre tract;

24 THENCE, North 89°37'43" West, 488.89 feet to a point for
25 corner being in the west line of said called residue of a called
26 20.00 acre tract;

27 THENCE, North 00°22'21" East, 189.43 feet to a point for

1 corner being the northwest corner of said called residue of a called
2 20.00 acre tract;

3 THENCE, South 89°37'43" East, 491.89 feet to a point for
4 corner being in the west line of said called 80.741 acre tract and
5 being the northeast corner of said called residue of a called 20.00
6 acre tract;

7 THENCE, North 01°16'47" East, 926.49 feet to a point for
8 corner being the northwest corner of said called 80.741 acre tract
9 and being the most northerly southwest corner of said called Volume
10 119, Page 113;

11 THENCE, North 00°00'00" West, 1,223.80 feet to a point for
12 corner being the southeast corner of said called Tract 6 and being
13 in the west line of said called Volume 119, Page 113;

14 THENCE, North 90°00'00" West, 2,638.89 feet to a point for
15 corner being the southwest corner of said called Tract 7;

16 THENCE, North 00°00'00" West, 1,322.22 feet to a point for
17 corner being the northwest corner of said called Tract 7;

18 THENCE, North 90°00'00" East, 530.56 feet to a point for
19 corner being in the north line of said called Tract 7 and being the
20 southwest corner of said called 119.5 acre tract;

21 THENCE, North 00°00'00" West, 2,516.67 feet to a point for
22 corner being the northwest corner of said called 119.5 acre tract;

23 THENCE, North 89°54'50" East, 2,773.34 feet to a point for
24 corner being the northeast corner of said called 119.5 acre tract,
25 being the southwest corner of said called Lot 6, and being the
26 northwest corner of said called Lot 7;

27 THENCE, North 00°00'00" West, 840.28 feet to a point for

1 corner being the northwest corner of said called Lot 6;

2 THENCE, North 90°00'00" East, 2,735.00 feet to a point for
3 corner being the northeast corner of said called Lot 6;

4 THENCE, South 00°00'00" West, 869.44 feet to a point for
5 corner being the southeast corner of said called Lot 6, being the
6 northeast corner of said called Lot 7, and being the northwest
7 corner of said called 152 acre tract;

8 THENCE, North 90°00'00" East, 2,657.30 feet to a point for
9 corner being the northeast corner of said called 152 acre tract;

10 THENCE, South 00°00'00" East, 2,491.67 feet to a point for
11 corner being the southeast corner of said called 152 acre tract and
12 being in the north line of said called 640 acre tract conveyed to
13 Cochran Road Partners, LLC;

14 THENCE, North 90°00'00" East, 2,622.70 feet to a point for
15 corner being the northeast corner of said called 640 acre tract
16 conveyed to Cochran Road Partners, LLC, being the northwest corner
17 of said called 640 acre tract conveyed to Adolph and Noelie Pfeffer
18 Family Partnership One, Ltd. and Adolph and Noelie Pfeffer Family
19 Partnership Two, Ltd., and being the southwest corner of said
20 called 823.996 acre tract;

21 THENCE, North 00°04'31" East, 4,548.22 feet to a point for
22 corner being in the west line of said called 823.996 acre tract;

23 THENCE, North 11°22'24" West, 128.93 feet to a point for
24 corner being in the west line of said called 823.996 acre tract;

25 THENCE, North 00°21'45" East, 459.44 feet to a point for
26 corner being the northwest corner of said called 823.996 acre
27 tract;

1 THENCE, South 89°56'04" East, 2,814.86 feet to a point for
2 corner being the most northerly northeast corner of said called
3 823.996 acre tract;

4 THENCE, South 16°12'54" East, 1,715.81 feet to a point being
5 an interior corner of said called 823.996 acre tract;

6 THENCE, South 81°28'25" E, 2,000.00 feet to a point for corner
7 being the most southerly northeast corner of said called 823.996
8 acre tract;

9 THENCE, South 00°06'10" East, 13,746.77 feet to the POINT OF
10 BEGINNING, CONTAINING 3,791 acres (165,143,925 square feet) of land
11 in Waller County, Texas filed in the office of Manhard Consulting,
12 Ltd. in The Woodlands, Texas.

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

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

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor, the
25 lieutenant governor, and the speaker of the house of
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4. (a) Section 9085.0306, Special District Local
5 Laws Code, as added by Section 1 of this Act, takes effect only if
6 this Act receives a two-thirds vote of all the members elected to
7 each house.

8 (b) If this Act does not receive a two-thirds vote of all the
9 members elected to each house, Subchapter C, Chapter 9085, Special
10 District Local Laws Code, as added by Section 1 of this Act, is
11 amended by adding Section 9085.0306 to read as follows:

12 Sec. 9085.0306. NO EMINENT DOMAIN POWER. The district may
13 not exercise the power of eminent domain.

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

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