

By: Bell of Montgomery

H.B. No. 4643

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Wood Trace Water Control and Improvement District of Montgomery County, Texas; 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 9084 to read as follows:

CHAPTER 9084. WOOD TRACE WATER CONTROL AND IMPROVEMENT DISTRICT OF MONTGOMERY COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9084.0101. 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 Wood Trace Water Control and Improvement District of Montgomery County, Texas.

Sec. 9084.0102. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9084.0103. 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. 9084.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 9084.0103 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. 9084.0105. 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 stormwater 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. 9084.0106. 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. 9084.0201. GOVERNING BODY; TERMS. (a) The district is
9 governed by a board of five elected directors.

10 (b) Except as provided by Section 9084.0202, directors
11 serve staggered four-year terms.

12 Sec. 9084.0202. 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 9084.0103; 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 9084.0103 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 9084.0103; 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. 9084.0301. 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. 9084.0302. 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, including Chapters 49 and 51,
20 Water Code, applicable to water control and improvement districts
21 created under Section 59, Article XVI, Texas Constitution, and
22 specifically including the powers and duties authorized under
23 Subchapter H, Chapter 51, Water Code.

24 Sec. 9084.0303. 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. 9084.0304. 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, zoning and
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. 9084.0305. 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. 9084.0306. 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 9084.0303.

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 9084.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

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

5 (1) revenue other than ad valorem taxes; or

6 (2) contract payments described by Section 9084.0403.

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

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

15 Sec. 9084.0402. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 9084.0401, the
17 district may impose an operation and maintenance tax on taxable
18 property in the district in accordance with Section 49.107, Water
19 Code.

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

22 Sec. 9084.0403. CONTRACT TAXES. (a) In accordance with
23 Section 49.108, Water Code, the district may impose a tax other than
24 an operation and maintenance tax and use the revenue derived from
25 the tax to make payments under a contract after the provisions of
26 the contract have been approved by a majority of the district voters
27 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. 9084.0501. 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. 9084.0502. 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. 9084.0503. 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. 9084.0504. 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 Wood Trace Water Control and Improvement
10 District of Montgomery County, Texas, initially includes all the
11 territory contained in the following area:

12 A description of a 489.92-acre tract of land situated in the
13 B.B.B. & C. RR. Survey, a-110, B.B.B. & C. RR. Survey, A-111 and the
14 E.R. Hale Survey, A-264, Montgomery County, Texas; said 489.9-acres
15 being more particularly described by metes and bounds as follows:

16 Being a 489.919-acre tract of land situated in Montgomery
17 County, Texas in the B.B.B. & C. RR. Survey, A-110, B.B.B. & C. RR.
18 Survey, A-111 and the E.R. Hale Survey, A-264, and being more
19 particularly described by metes and bounds with all control
20 referred to in the State Department of Highways and Public
21 Transportation Surface Coordinates bases on the Texas State Plane
22 Coordinate System, Central Zone:

23 Beginning at the north corner of the B.B.B. & C RR. Survey,
24 A-110, common to the east corner of the Henry Studz Survey, A-513,
25 located in the southwest line of the J. D. Cochran Survey, A-123;

26 1. Thence, along the southwest line of said J. D. Cochran
27 Survey, A-123 common to the northwest line of said B.B.B. & C. RR.

1 Survey, A-110, S 47°50'58" E, at 2,921.27 feet pass the northwest
2 corner of the E. R. Hale Survey, A-264, in all a total distance of
3 4,721.76 feet to the south corner of said J.D. Cochran Survey, A-123
4 in the north line of said E R. Hale Survey, A-264;

5 2. Thence, along the southeast line of said J.D. Cochran
6 Survey, A-123, common to the northerly line of said E. R. Hale
7 Survey, A-264, N 41°32'47" E, 1,619.29 feet to a point for corner;

8 3. Thence, severing said E. R. Hale Survey, A-264, S
9 01°42'53" E, 3,063.20 feet to a point for corner in the northeast
10 line of the existing Missouri Pacific Railroad right-of-way;

11 4. Thence, along said northeast line, N 59°23'57" W,
12 2,041.86 feet to a point for corner;

13 5. Thence, continuing along said northeast line, N 58°50'22"
14 W, 780.31 feet to a point for corner in the east line of said B. B.
15 B. & C. RR. Survey, A-110, common to the east line of said E. R. Hale
16 Survey, A-264;

17 6. Thence, along said common survey line, S 02°40'02" E,
18 2,839.93 feet to a point for corner;

19 7. Thence, S 87°10'15" W, 1724.18 feet to a point for corner
20 laying in the centerline of existing Highway No. 149;

21 8. Thence, along said centerline, N 30°32'20" W, 5,079.82
22 feet to a point for corner in the northwest line of said B.B.B. & C.
23 RR. survey A-111, common to the southeast line of the John Raimon
24 Survey, A-472;

25 9. Thence, along said common survey line, N 42°22'36" E,
26 891.43 feet to a point for corner in the northeast line of said
27 Missouri Pacific right-of-way;

1 10. Thence, N 42°14'38" E, 1,997.17 feet to the Point of
2 Beginning and containing 489.919 acres of land.

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

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

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

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

21 SECTION 4. (a) Section 9084.0306, Special District Local
22 Laws Code, as added by Section 1 of this Act, takes effect only if
23 this Act receives a two-thirds vote of all the members elected to
24 each house.

25 (b) If this Act does not receive a two-thirds vote of all the
26 members elected to each house, Subchapter C, Chapter 9084, Special
27 District Local Laws Code, as added by Section 1 of this Act, is

1 amended by adding Section 9084.0306 to read as follows:

2 Sec. 9084.0306. NO EMINENT DOMAIN POWER. The district may
3 not exercise the power of eminent domain.

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

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