

By: Smith

H.B. No. 4645

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Grayson County Municipal Utility
3 District No. 3; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 8009 to read as follows:

9 CHAPTER 8009. GRAYSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8009.0101. DEFINITIONS. In this chapter:

12 (1) "Board" means the district's board of directors.

13 (2) "City" means the city of Gunter, Texas.

14 (3) "Commission" means the Texas Commission on
15 Environmental Quality.

16 (4) "Director" means a board member.

17 (5) "District" means the Grayson County Municipal
18 Utility District No. 3.

19 Sec. 8009.0102. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 8009.0103. CONFIRMATION AND DIRECTOR ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 8009.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 8009.0103 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. 8009.0105. 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 municipal utility district as provided by
12 general law and Section 59, Article XVI, Texas Constitution; and

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

17 Sec. 8009.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8009.0201. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 8009.0202, directors
7 serve staggered four-year terms.

8 Sec. 8009.0202. TEMPORARY DIRECTORS. (a) On or after
9 September 1, 2019, the owner or owners of a majority of the assessed
10 value of the real property in the district may submit a petition to
11 the commission requesting that the commission appoint as temporary
12 directors the five persons named in the petition. The commission
13 shall appoint as temporary directors the five persons named in the
14 petition.

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

16 (1) the date permanent directors are elected under
17 Section 8009.0103; or

18 (2) September 1, 2023.

19 (c) If permanent directors have not been elected under
20 Section 8009.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8009.0103; or

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8009.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8009.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8009.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8009.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

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

9 Sec. 8009.0305. MAINTENANCE OF ROADS IN TERRITORY OUTSIDE
10 CORPORATE LIMITS OF CITY. If district territory, or a portion of
11 district territory, is located outside the corporate limits of the
12 city, the district shall maintain any road the district constructs
13 located in that territory.

14 Sec. 8009.0306. COMPLIANCE WITH MUNICIPAL CONSENT
15 ORDINANCE OR RESOLUTION. The district shall comply with all
16 applicable requirements of any ordinance or resolution that is
17 adopted under Section 54.016 or 54.0165, Water Code, and that
18 consents to the creation of the district or to the inclusion of land
19 in the district.

20 Sec. 8009.0307. DIVISION OF DISTRICT. (a) The district may
21 be divided into two or more new districts only if the district:

22 (1) has no outstanding bonded debt; and

23 (2) is not imposing ad valorem taxes.

24 (b) This chapter applies to any new district created by the
25 division of the district, and a new district has all the powers and
26 duties of the district.

27 (c) Any new district created by the division of the district

1 may not, at the time the new district is created, contain any land
2 outside the area described by Section 2 of the Act enacting this
3 chapter.

4 (d) The board, on its own motion or on receipt of a petition
5 signed by the owner or owners of a majority of the assessed value of
6 the real property in the district, may adopt an order dividing the
7 district.

8 (e) The board may adopt an order dividing the district
9 before or after the date the board holds an election under Section
10 8009.0103 to confirm the district's creation.

11 (f) An order dividing the district shall:

12 (1) name each new district;

13 (2) include the metes and bounds description of the
14 territory of each new district;

15 (3) appoint temporary directors for each new district;

16 and

17 (4) provide for the division of assets and liabilities
18 between or among the new districts.

19 (g) On or before the 30th day after the date of adoption of
20 an order dividing the district, the district shall file the order
21 with the commission and record the order in the real property
22 records of each county in which the district is located.

23 (h) Any new district created by the division of the district
24 shall hold a confirmation and directors' election as required by
25 Section 8009.0103. If the voters of a new district do not confirm
26 the creation of the new district, the assets, obligations,
27 territory, and governance of the new district revert to the

1 original district.

2 (i) Municipal consent to the creation of the district and to
3 the inclusion of land in the district granted under Section
4 8009.0104 acts as municipal consent to the creation of any new
5 district created by the division of the district and to the
6 inclusion of land in the new district.

7 (j) Any new district created by the division of the district
8 must hold an election as required by this chapter to obtain voter
9 approval before the district may impose a maintenance tax or issue
10 bonds payable wholly or partly from ad valorem taxes.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8009.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
13 The district may issue, without an election, bonds and other
14 obligations secured by:

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

16 (2) contract payments described by Section 8009.0403.

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

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

25 Sec. 8009.0402. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 8009.0401, the
27 district may impose an operation and maintenance tax on taxable

1 property in the district in accordance with Section 49.107, Water
2 Code.

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

5 Sec. 8009.0403. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

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

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 8009.0501. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, contract payments, grants, or other district money, or any
19 combination of those sources, to pay for any authorized district
20 purpose.

21 Sec. 8009.0502. TAXES FOR BONDS. At the time the district
22 issues bonds payable wholly or partly from ad valorem taxes, the
23 board shall provide for the annual imposition of a continuing
24 direct ad valorem tax, without limit as to rate or amount, while all
25 or part of the bonds are outstanding as required and in the manner
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 8009.0503. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations
2 issued or incurred to finance road projects and payable from ad
3 valorem taxes may not exceed one-fourth of the assessed value of the
4 real property in the district.

5 SECTION 2. The Grayson County Municipal Utility District
6 No. 3 initially includes all the territory contained in the
7 following area:

8 All that certain tract or parcel of land situated in the Sarah Cross
9 Survey, Abstract Number 210, County of Grayson, State of Texas,
10 said tract being all of a called 578.517 acre tract as described in
11 Deed to Evans Family Partnership LTD, filed 23 March 2005, and
12 Recorded in Volume 3835 Page 465 of the Deed Records of the County
13 of Grayson, State of Texas, and being more fully described as
14 follows:

15 Beginning for the southwest corner of the tract being described
16 herein at a Wood Cross-Tie fence corner Post, said post being the
17 southwest corner of said Evans tract, and the southeast corner of a
18 tract as described in Deed to William H. Ledbetter, filed 11
19 December 1978, and Recorded in Volume 1456 Page 570 of said Deed
20 Records, and on the north Right-of-Way line of Farm-to-Market Road
21 Number 121 as described in deed to The State of Texas, filed 20
22 January 1951, and Recorded in Volume 638 Page 284 of said Deed
23 Records;

24 Thence: North 02 degrees 27 minutes 06 seconds East, with the west
25 line of said Evans tract, and the east line of said Ledbetter tract,
26 and passing at 1659.63 feet a Wood Cross-Tie fence corner post being
27 the northeast corner of said Ledbetter tract and the southwest

1 corner of a tract as described in deed to Donald Ray Martinek,
2 Trustee, and passing at 3757.23 feet a Wood Cross-Tie fence corner
3 post on the south side of Airport Road, and continuing on said
4 course for a total distance of 3784.73 feet (3778.50) to a set
5 survey mark Nail in the center line of said Airport Road;

6 Thence: South 87 degrees 34 minutes 18 seconds East, with the north
7 line of said Evans tract, and in Airport Road, a distance of 6705.82
8 feet (6690.80) to a set survey mark nail for the northeast corner of
9 said Evan tract and at the intersection of said Airport Road and
10 Bodovsky Road, said nail also being on the east line of the Sarah
11 Cross Survey, and the west line of the Stephen Prather Survey,
12 Abstract Number 931;

13 Thence: South 02 degrees 20 minutes 52 seconds West, with the east
14 line of said Evans tract, and in Bodovsky Road, a distance of 799.69
15 feet to a found PK Nail for the southwest corner of said Prather
16 Survey and the northwest corner of the Benjamin S. Nounnan Survey
17 Abstract Number 903, and at a intersection of said Airport Road and
18 Bodovsky Road;

19 Thence: South 02 degrees 29 minutes 56 seconds West, with the east
20 line of said Evans tract, and in Bodovsky Road, a distance of
21 2981.56 feet to a found 3/4 inch Steel Rod for the southeast corner
22 of said Evan tract and at a turn in Bodovsky Road and on the north
23 line of a tract as described in Deed to GIC Hedges, filed 27 July
24 2006, and Recorded in Volume 4093 Page 207 of said Deed Records;

25 Thence: North 87 degrees 58 minutes 12 seconds West, with the south
26 line of said Evans tract, and in Bodovsky Road, a distance of
27 1160.49 feet to a found survey mark nail for the northwest corner of

1 a said Hedges tract, and the northeast corner of a tract as
2 described in Deed to Clifton G. Goodrum, filed 16 June 2006, and
3 Recorded in Volume 3010 Page 268 of said Deed Records, and at the
4 intersection of Bodovsky Road and Liberty Love Lane;

5 Thence: North 87 degrees 38 minutes 09 seconds, West, with the south
6 line of said Evans tract, and the north line of said Goodrum tract,
7 and in Bodovsky Road, a distance of 638.12 feet to a set survey mark
8 nail for the northwest corner of said Goodrum tract and on the east
9 Right-of-Way line of Farm-to-Market Road Number 121;

10 Thence: With the south line of said Evans tract, and along the north
11 ROW line of said FM 121, the following 8 (eight) calls;

12 1. North 04 degrees 11 minutes 10 seconds East, a distance
13 of 25.00 feet to a found State of Texas Concrete Right-of-Way
14 Monument;

15 2. North 87 degrees 38 minutes 07 seconds West, a distance
16 of 327.28 feet to a found State of Texas Concrete Right-of-Way
17 Monument, and the start of a curve to the left whose radius is
18 1185.94 feet, and a central angle of 09 degrees 08 minutes 00
19 seconds;

20 3. With said curve an arc length of 189.05 feet to a set 1/2
21 inch Steel Square Tubing for a corner;

22 4. North 87 degrees 51 minutes 33 seconds West, a distance
23 of 2040.40 feet to a found State of Texas Concrete Right-of-Way
24 Monument;

25 5. North 88 degrees 50 minutes 00 seconds West, a distance
26 of 1045.64 feet to a found State of Texas Concrete Right-of-Way
27 Monument;

1 6. North 85 degrees 03 minutes 00 seconds West, a distance
2 of 151.30 feet for a corner;

3 7. North 88 degrees 44 minutes 29 seconds West, a distance
4 of 447.05 feet to a found State of Texas Concrete Right-of-Way
5 Monument;

6 8. North 87 degrees 22 minutes 12 seconds West, a distance
7 of 707.52 feet to the POINT OF BEGINNING and containing 580.877
8 acres of land, more or less.

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

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

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

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

27 SECTION 4. (a) If this Act does not receive a two-thirds

1 vote of all the members elected to each house, Subchapter C, Chapter
2 8009, Special District Local Laws Code, as added by Section 1 of
3 this Act, is amended by adding Section 8009.0308 to read as follows:

4 Sec. 8009.0308. NO EMINENT DOMAIN POWER. The district may
5 not exercise the power of eminent domain.

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

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