

By: Thompson of Brazoria

H.B. No. 4670

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 76; 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 8099 to read as follows:

CHAPTER 8099. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 76

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8099.0101. 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 Brazoria County Municipal Utility District No. 76.

Sec. 8099.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8099.0103. 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. 8099.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8099.0103 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. 8099.0105. 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. 8099.0106. 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. 8099.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8099.0202, directors
6 serve staggered four-year terms.

7 Sec. 8099.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Timothy White;

10 (2) Lyle Klingbeil;

11 (3) Jennifer Vaughan;

12 (4) Maria George; and

13 (5) Hunter Waneck.

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

15 (1) the date permanent directors are elected under
16 Section 8099.0103; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8099.0103 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 8099.0103; 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. 8099.0301. 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. 8099.0302. 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. 8099.0303. 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. 8099.0304. 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. 8099.0305. COMPLIANCE WITH MUNICIPAL CONSENT
10 ORDINANCE OR RESOLUTION. The district shall comply with all
11 applicable requirements of any ordinance or resolution that is
12 adopted under Section 54.016 or 54.0165, Water Code, and that
13 consents to the creation of the district or to the inclusion of land
14 in the district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8099.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
17 The district may issue, without an election, bonds and other
18 obligations secured by:

- 19 (1) revenue other than ad valorem taxes; or
20 (2) contract payments described by Section 8099.0403.

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

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

1 election held for that purpose.

2 Sec. 8099.0402. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8099.0401, the
4 district may impose an operation and maintenance tax on taxable
5 property in the district in accordance with Section 49.107, Water
6 Code.

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

9 Sec. 8099.0403. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

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

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8099.0501. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, contract payments, grants, or other district money, or any
23 combination of those sources, to pay for any authorized district
24 purpose.

25 Sec. 8099.0502. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

4 Sec. 8099.0503. BONDS FOR ROAD PROJECTS. At the time of
5 issuance, the total principal amount of bonds or other obligations
6 issued or incurred to finance road projects and payable from ad
7 valorem taxes may not exceed one-fourth of the assessed value of the
8 real property in the district.

9 SECTION 2. The Brazoria County Municipal Utility District
10 No. 76 initially includes all the territory contained in the
11 following area:

12 TRACT 1

13 FIELD NOTES OF AN 80.41 ACRE TRACT OUT OF AN 83.72 ACRE TRACT
14 OUT OF A 121.90 ACRE TRACT IN THE ANDREW ROBERTS LABOR, ABSTRACT
15 363, BRAZORIA COUNTY, TEXAS; SAID 121.90 ACRE TRACT BEING THAT
16 TRACT DESCRIBED IN A DEED RECORDED IN VOLUME 735, PAGE 629 OF THE
17 DEED RECORDS OF BRAZORIA COUNTY, TEXAS; AND SAID 80.41 ACRE TRACT
18 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

19 COMMENCING at a 1/2" iron rod found in the East line of the
20 William Roberts League, Abstract 124, Brazoria County, Texas; said
21 rod marking the Northwest corner of the Andrew Roberts Labor,
22 Abstract 363, Brazoria County, Texas;

23 THENCE; North 88° 13' East 94.63 feet, along the North line of
24 the Andrew Roberts Labor, Abstract 363, to a 1/2" iron pipe found
25 for the place of beginning of the herein described tract; said pipe
26 also marking the Northeast corner of a 91.41 acre tract in the
27 Andrew Roberts Labor, Abstract 363;

1 THENCE; North 89° 19' 51" East 2328.77 feet, along the North
2 line of the Andrew Roberts Labor, Abstract 363, to a 1/2" iron rod
3 with cap stamped "RSTROUD RPLS 2112" found for corner in the West
4 right-of-way line of the State Highway 288 Freeway;

5 THENCE; South 0° 23' 56" East 627.04 feet, along the West
6 right-of-way line of the State Highway 288 Freeway, to a concrete
7 right-of-way monument found for angle point;

8 THENCE; South 0° 02' 56" West 1096.29 feet, along the West
9 right-of-way line of the State Highway 288 Freeway, to a 1/2" iron
10 rod found for corner at the Northeast corner of the Angleton
11 Drainage District 3.32 acre tract described in County Clerk's
12 Document No. 2014-024678 of the Official Records of Brazoria
13 County, Texas;

14 THENCE; North 80° 57' West 87.55 feet, along the North line of
15 said 3.32 acre tract, to a 1/2" iron rod with cap stamped "RPLS 2112
16 RPLS 6017" found for corner at the Northwest corner of said 3.32
17 acre tract;

18 THENCE; South 5° 08' 13" West 1408.09 feet (called 1400.09
19 feet), along the West line of said 3.32 acre tract, to a concrete
20 right-of-way monument found for corner; said monument marking the
21 Southwest corner of said 3.32 acre tract;

22 THENCE; South 1° 23' 59" West 61.07 feet, along the West
23 right-of-way line of State Highway 288 Freeway, to a concrete
24 monument found for corner in the South line of the Andrew Roberts
25 Labor, Abstract 363;

26 THENCE; South 89° 18' 30" West 769.14 feet, along the South
27 line of the Andrew Roberts Labor, Abstract 363, to a point for

1 corner at the Southeast corner of said 91.41 acre tract;

2 THENCE; North 0° 11' 54" East, at 55.01 feet pass a 1/2" iron
3 rod found in the North right-of-way fence of a closed portion of
4 Belk Road, and continue to a total distance of 2711.40 feet to a
5 1/2" iron rod with cap stamped "R STROUD RPLS 2112" found for corner
6 at the Easterly Northeast corner of said 91.41 acre tract;

7 THENCE; South 89° 19' 51" West 1359.50 feet, along the common
8 line with said 91.41 acre tract, to a 1/2" iron pipe found for
9 corner;

10 THENCE; North 0° 08' 09" East 459.60 feet, along the common
11 line with said 91.41 acre tract, to the place of beginning.

12 Said tract therein containing 80.41 acres of land.

13 The reference bearing for this survey is the North line of the
14 S. J. Jamison 100 acre tract as described in a deed recorded in
15 Volume 578, Page 443 of the Deed Records of Brazoria County, Texas.
16 The bearing of the North line for reference is South 89° 47' West.

17 TRACT 2

18 FIELD NOTES OF A 5.62 ACRE TRACT, CALLED TRACT 161A, AND BEING
19 THAT PORTION LYING WEST OF STATE HIGHWAY 288 FREEWAY OF A NINE ACRE
20 TRACT CONVEYED TO BRAZORIA COUNTY FROM J. D. CANNAN, TRUSTEE, BY
21 DEED DATED AUGUST 9, 1897 AND RECORDED IN VOLUME 42, PAGE 235 OF THE
22 DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY
23 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

24 BEGINNING at a 1/2" iron rod found at the intersection of the
25 South line of said nine acre tract with the West right-of-way line
26 of the State Highway 288 Freeway;

27 THENCE; North 0° 04' 38" East 971.25 feet, along the West

1 right-of-way line of the State Highway 288 Freeway, to a 1/2" iron
2 rod found for corner of a called 0.269 acre tract previously cut out
3 of said nine acre tract;

4 THENCE; South 88° 07' 44" West 258.76 feet, along the South
5 line of said called 0.269 acre tract, to a 1/2" iron rod found for
6 corner in the West line of said nine acre tract;

7 THENCE; South 0° 33' 01" East 962.86 feet, along the West line
8 of said nine acre tract, to a 1/2" iron rod found marking the
9 Southwest corner of said nine acre tract;

10 THENCE; South 89° 59' 36" East 248.07 feet, along the South
11 line of said nine acre tract, to the place of beginning.

12 Said tract therein containing 5.62 acres of land.

13 The reference bearing for this survey is the North line of the
14 S. J. Jamison 100 acre tract in the William Roberts League, Abstract
15 124, as described in a deed recorded in Volume 578, Page 443 of the
16 Deed Records of Brazoria County, Texas. The bearing of the line is
17 South 89° 47' West.

18 TRACT 3

19 FIELD NOTES OF AN 85.95 ACRE TRACT OUT OF A 91.41 ACRE TRACT
20 IN THE ANDREW ROBERTS LABOR, ABSTRACT 363, BRAZORIA COUNTY, TEXAS;
21 SAID 91.41 ACRES BEING THAT SAME TRACT (CALLED 91.9 ACRES)
22 DESCRIBED AS "SECOND TRACT" IN THAT CERTAIN DEED RECORDED IN VOLUME
23 406, PAGE 99 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND SAID
24 85.95 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
25 BOUNDS AS FOLLOWS:

26 COMMENCING at a 1/2" iron rod found at the Southwest corner of
27 the Andrew Roberts Labor, Abstract 363; said rod being in the South

1 right-of-way line of Belk Road (County Road 28);

2 THENCE; North 89° 19' 01" East 75.01 feet, along the South
3 line of Belk Road, to a 1/2" iron rod set in the East line of a 75
4 foot Drainage Easement, for the place of beginning of the herein
5 described tract; said Drainage Easement being described in a deed
6 recorded in File 2013-033166 of the Official Records of Brazoria
7 County, Texas;

8 THENCE; North 0° 08' 09" East, along the East line of said 75
9 foot Drainage Easement, at 55.57 feet pass a 1/2" iron rod found in
10 the North right-of-way line of Belk Road, and continue to a total
11 distance of 3170.85 feet to a 1/2" iron rod found for corner in the
12 Most northerly North line of said 91.41 acre tract in the North line
13 of the Andrew Roberts Labor, Abstract 363;

14 THENCE; North 88° 13' East 19.60 feet, along the North line of
15 the Andrew Roberts Labor, to a 1/2" iron pipe found for corner at
16 the most northerly Northeast corner of said 91.41 acre tract;

17 THENCE; South 0° 08' 09" West 459.6 feet to a 1/2" iron pipe
18 found for corner;

19 THENCE; North 89° 19' 51" East 1359.60 feet to a 1/2" iron rod
20 found for corner;

21 THENCE; South 0° 11' 54" West, along a barbed wire fence, at
22 2656.39 feet pass a 1/2" iron rod found on line in the North
23 right-of-way fence of a closed portion of Belk Road, and continue to
24 a total distance of 2711.4 feet to a point for corner in the South
25 line of the Andrew Roberts Labor, Abstract 363;

26 THENCE; South 89° 19' 10" West 1376.13 feet, along the South
27 line of the Andrew Roberts labor, Abstract 363, to the place of

1 beginning.

2 Said tract therein containing 85.95 acres of land.

3 The reference bearing for this survey is the North line of the
4 S. J. Jamison 100 acre tract in the William Roberts League, Abstract
5 124, as described in a deed recorded in Volume 578, Page 443 of the
6 Deed Records of Brazoria County, Texas. The bearing of the North
7 line, for reference, is South 89° 47' West.

8 TRACT 4

9 FIELD NOTES OF A 132.13 ACRE TRACT OUT OF A 134.73 ACRE TRACT
10 OUT OF TRACT 158 (50 ACRES, VOLUME 989, PAGE 287, BRAZORIA COUNTY
11 DEED RECORDS) AND TRACT 159 (100 ACRES, VOLUME 226, PAGE 256,
12 BRAZORIA COUNTY DEED RECORDS) OUT OF THE JOSE DE JESUS VALDERAS
13 SURVEY, ABSTRACT 380, BRAZORIA COUNTY, TEXAS, AND BEING MORE
14 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

15 BEGINNING at a 1/2" iron rod found at the intersection of the
16 West line of the Jose de Jesus Valderas Survey, Abstract 380, with
17 the South line of a 31.74 acre tract described in a deed recorded in
18 File 1997-006563 of the Official Records of Brazoria County, Texas;

19 THENCE; North 88° 29' 40" East 350.83 feet, along the South
20 line of said 31.74 acre tract, to a 1/2" iron rod found for corner at
21 the Southeast corner of said 31.74 acre tract;

22 THENCE; North 1° 33' 32" West 923.92 feet, along the East line
23 of said 31.74 acre tract, to a 1/2" iron rod found for corner in the
24 South line of a called 1.810 acre tract conveyed to the City of
25 Angleton by deed recorded in File 1997-022173 of the Official
26 Records of Brazoria County, Texas;

27 THENCE; North 88° 30' 36" East 747.51 feet, along the south

1 line of said 1.810 acre tract, to a 1/2" iron rod found for angle
2 point;

3 THENCE; North 88° 36' 36" East 1088.22 feet, along the South
4 line of said called 1.810 acre tract, to a 1/2" iron rod found for
5 corner at the Southeast corner of said called 1.810 acre tract; said
6 rod also being in the West line of a called nine acre tract conveyed
7 to Brazoria County by deed recorded in Volume 35, Page 457 of the
8 Deed Records of Brazoria County, Texas;

9 THENCE; South 0° 33' 01" East, along the West line of said nine
10 acre tract, at 4.96 feet pass a 1/2" iron rod found marking the
11 Southwest corner of a 0.269 acre tract out of said nine acre tract,
12 and continue to a total distance of 967.82 feet to a 1/2" iron rod
13 found for corner at the Southwest corner of said nine acre tract;

14 THENCE; South 89° 59' 36" East 248.07 feet, along the South
15 line of said nine acre tract, to a 1/2" iron rod found for corner at
16 the intersection of said South line with the West right-of-way line
17 of the State Highway 288 Freeway;

18 THENCE; South 0° 00' 52" West 324.64 feet, along the West
19 right-of-way line of the State Highway 288 Freeway, to a concrete
20 right-of-way monument found for angle point;

21 THENCE; South 0° 05' 06" West 1000.53 feet, along the West
22 right-of-way line of the State Highway 288 Freeway, to a concrete
23 right-of-way monument found for angle point;

24 THENCE; South 0° 23' 56" East 373.19 feet, along the West
25 right-of-way line of the State Highway 288 Freeway, to a 1/2" iron
26 rod found for corner in the North line of the Andrew Roberts labor,
27 Abstract 363;

1 THENCE; South 89° 19' 51" West 2328.77 feet, along the north
2 line of the Andrew Roberts Labor, Abstract 363, to a 1/2" iron pipe
3 found marking the Northeast corner of a 91.41 acre tract out of said
4 Abstract 363;

5 THENCE; South 88° 13' West 19.60 feet, along the North line of
6 said 91.41 acre tract, and the North line of the Andrew Roberts
7 Labor, Abstract 363, to a 1/2" iron rod found for corner in the East
8 line of a 75 foot Drainage Easement (2.89 acres) as described in a
9 deed recorded in File 2013-033166 of the Official Records of
10 Brazoria County, Texas;

11 THENCE; North 0° 08' 09" East, along the East line of said 75
12 foot Drainage Easement, for a distance of a 1397.41 feet to a 1/2"
13 iron rod found for angle point in the East line of said 75 foot
14 Drainage Easement;

15 THENCE; North 17° 51' 44" West 242.73 feet, along the East
16 line of said 75 foot Drainage Easement, to a 1/2" iron rod found for
17 corner in the West line of said 134.73 acre tract; said rod also
18 being in the West line of the Jose de Jesus Valderas Survey,
19 Abstract 380, and the East line of the William Roberts League,
20 Abstract 124;

21 THENCE; North 0° 08' 09" East 86.89 feet, along the West line
22 of said 134.73 acre tract, to the place of beginning

23 Said tract therein containing 132.13 acres of land.

24 The reference bearing for this survey is the North line of the
25 S. J. Jamison 100 acre tract in the William Roberts League, Abstract
26 124, as described in a deed recorded in Volume 578, Page 443 of the
27 Deed Records of Brazoria County, Texas. The bearing of the North

1 line, for reference, is South 89° 47' West.

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

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

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

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

20 SECTION 4. (a) If this Act does not receive a two-thirds
21 vote of all the members elected to each house, Subchapter C, Chapter
22 8099, Special District Local Laws Code, as added by Section 1 of
23 this Act, is amended by adding Section 8099.0306 to read as follows:

24 Sec. 8099.0306. NO EMINENT DOMAIN POWER. The district may
25 not exercise the power of eminent domain.

26 (b) This section is not intended to be an expression of a
27 legislative interpretation of the requirements of Section 17(c),

1 Article I, Texas Constitution.

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