

1-1 By: Bell of Montgomery H.B. No. 4677
1-2 (Senate Sponsor - Creighton)
1-3 (In the Senate - Received from the House May 6, 2019;
1-4 May 6, 2019, read first time and referred to Committee on
1-5 Intergovernmental Relations; May 15, 2019, reported favorably by
1-6 the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Lucio	X		
1-10	Schwertner	X		
1-11	Alvarado	X		
1-12	Campbell	X		
1-13	Fallon	X		
1-14	Menéndez	X		
1-15	Nichols	X		

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the creation of the Montgomery County Municipal Utility
1-19 District No. 161; granting a limited power of eminent domain;
1-20 providing authority to issue bonds; providing authority to impose
1-21 assessments, fees, and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-24 Code, is amended by adding Chapter 8089 to read as follows:

1-25 CHAPTER 8089. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 161

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8089.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on
1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Montgomery County Municipal
1-33 Utility District No. 161.

1-34 Sec. 8089.0102. NATURE OF DISTRICT. The district is a
1-35 municipal utility district created under Section 59, Article XVI,
1-36 Texas Constitution.

1-37 Sec. 8089.0103. CONFIRMATION AND DIRECTOR ELECTION
1-38 REQUIRED. The temporary directors shall hold an election to
1-39 confirm the creation of the district and to elect five permanent
1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 8089.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section
1-43 8089.0103 until each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district.

1-47 Sec. 8089.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-48 (a) The district is created to serve a public purpose and benefit.

1-49 (b) The district is created to accomplish the purposes of:

1-50 (1) a municipal utility district as provided by
1-51 general law and Section 59, Article XVI, Texas Constitution; and

1-52 (2) Section 52, Article III, Texas Constitution, that
1-53 relate to the construction, acquisition, improvement, operation,
1-54 or maintenance of macadamized, graveled, or paved roads, or
1-55 improvements, including storm drainage, in aid of those roads.

1-56 Sec. 8089.0106. INITIAL DISTRICT TERRITORY. (a) The
1-57 district is initially composed of the territory described by
1-58 Section 2 of the Act enacting this chapter.

1-59 (b) The boundaries and field notes contained in Section 2 of
1-60 the Act enacting this chapter form a closure. A mistake made in the
1-61 field notes or in copying the field notes in the legislative process

2-1 does not affect the district's:

2-2 (1) organization, existence, or validity;

2-3 (2) right to issue any type of bond for the purposes
2-4 for which the district is created or to pay the principal of and
2-5 interest on a bond;

2-6 (3) right to impose a tax; or

2-7 (4) legality or operation.

2-8 SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 8089.0201. GOVERNING BODY; TERMS. (a) The district is
2-10 governed by a board of five elected directors.

2-11 (b) Except as provided by Section 8089.0202, directors
2-12 serve staggered four-year terms.

2-13 Sec. 8089.0202. TEMPORARY DIRECTORS. (a) On or after the
2-14 effective date of the Act enacting this chapter, the owner or owners
2-15 of a majority of the assessed value of the real property in the
2-16 district may submit a petition to the commission requesting that
2-17 the commission appoint as temporary directors the five persons
2-18 named in the petition. The commission shall appoint as temporary
2-19 directors the five persons named in the petition.

2-20 (b) Temporary directors serve until the earlier of:

2-21 (1) the date permanent directors are elected under
2-22 Section 8089.0103; or

2-23 (2) the fourth anniversary of the effective date of
2-24 the Act enacting this chapter.

2-25 (c) If permanent directors have not been elected under
2-26 Section 8089.0103 and the terms of the temporary directors have
2-27 expired, successor temporary directors shall be appointed or
2-28 reappointed as provided by Subsection (d) to serve terms that
2-29 expire on the earlier of:

2-30 (1) the date permanent directors are elected under
2-31 Section 8089.0103; or

2-32 (2) the fourth anniversary of the date of the
2-33 appointment or reappointment.

2-34 (d) If Subsection (c) applies, the owner or owners of a
2-35 majority of the assessed value of the real property in the district
2-36 may submit a petition to the commission requesting that the
2-37 commission appoint as successor temporary directors the five
2-38 persons named in the petition. The commission shall appoint as
2-39 successor temporary directors the five persons named in the
2-40 petition.

2-41 SUBCHAPTER C. POWERS AND DUTIES

2-42 Sec. 8089.0301. GENERAL POWERS AND DUTIES. The district
2-43 has the powers and duties necessary to accomplish the purposes for
2-44 which the district is created.

2-45 Sec. 8089.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-46 DUTIES. The district has the powers and duties provided by the
2-47 general law of this state, including Chapters 49 and 54, Water Code,
2-48 applicable to municipal utility districts created under Section 59,
2-49 Article XVI, Texas Constitution.

2-50 Sec. 8089.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
2-51 52, Article III, Texas Constitution, the district may design,
2-52 acquire, construct, finance, issue bonds for, improve, operate,
2-53 maintain, and convey to this state, a county, or a municipality for
2-54 operation and maintenance macadamized, graveled, or paved roads, or
2-55 improvements, including storm drainage, in aid of those roads.

2-56 Sec. 8089.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-57 road project must meet all applicable construction standards,
2-58 zoning and subdivision requirements, and regulations of each
2-59 municipality in whose corporate limits or extraterritorial
2-60 jurisdiction the road project is located.

2-61 (b) If a road project is not located in the corporate limits
2-62 or extraterritorial jurisdiction of a municipality, the road
2-63 project must meet all applicable construction standards,
2-64 subdivision requirements, and regulations of each county in which
2-65 the road project is located.

2-66 (c) If the state will maintain and operate the road, the
2-67 Texas Transportation Commission must approve the plans and
2-68 specifications of the road project.

2-69 Sec. 8089.0305. COMPLIANCE WITH MUNICIPAL CONSENT

3-1 ORDINANCE OR RESOLUTION. The district shall comply with all
3-2 applicable requirements of any ordinance or resolution that is
3-3 adopted under Section 54.016 or 54.0165, Water Code, and that
3-4 consents to the creation of the district or to the inclusion of land
3-5 in the district.

3-6 Sec. 8089.0306. DIVISION OF DISTRICT. (a) The district may
3-7 be divided into two or more new districts only if the district:

3-8 (1) has never issued any bonds; and

3-9 (2) is not imposing ad valorem taxes.

3-10 (b) This chapter applies to any new district created by the
3-11 division of the district, and a new district has all the powers and
3-12 duties of the district.

3-13 (c) A new district created by the division of the district
3-14 may not, at the time the new district is created, contain any land
3-15 outside the area described by Section 2 of the Act enacting this
3-16 chapter.

3-17 (d) The board, on its own motion or on receipt of a petition
3-18 signed by the owner or owners of a majority of the assessed value of
3-19 the real property in the district, may adopt an order dividing the
3-20 district.

3-21 (e) The board may adopt an order dividing the district
3-22 before or after the date the board holds an election under Section
3-23 8089.0103 to confirm the district's creation.

3-24 (f) An order dividing the district shall:

3-25 (1) name each new district;

3-26 (2) include the metes and bounds description of the
3-27 territory of each new district;

3-28 (3) appoint temporary directors for each new district;

3-29 and

3-30 (4) provide for the division of assets and liabilities
3-31 between the new districts.

3-32 (g) On or before the 30th day after the date of adoption of
3-33 an order dividing the district, the district shall file the order
3-34 with the commission and record the order in the real property
3-35 records of each county in which the district is located.

3-36 (h) A new district created by the division of the district
3-37 shall hold a confirmation and directors' election as required by
3-38 Section 8089.0103.

3-39 (i) If the creation of the new district is confirmed, the
3-40 new district shall provide the election date and results to the
3-41 commission.

3-42 (j) Any new district created by the division of the district
3-43 must hold an election as required by this chapter to obtain voter
3-44 approval before the district may impose a maintenance tax or issue
3-45 bonds payable wholly or partly from ad valorem taxes.

3-46 (k) Municipal consent to the creation of the district and to
3-47 the inclusion of land in the district granted under Section
3-48 8089.0104 acts as municipal consent to the creation of any new
3-49 district created by the division of the district and to the
3-50 inclusion of land in the new district.

3-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-52 Sec. 8089.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-53 The district may issue, without an election, bonds and other
3-54 obligations secured by:

3-55 (1) revenue other than ad valorem taxes; or

3-56 (2) contract payments described by Section 8089.0403.

3-57 (b) The district must hold an election in the manner
3-58 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-59 before the district may impose an ad valorem tax or issue bonds
3-60 payable from ad valorem taxes.

3-61 (c) The district may not issue bonds payable from ad valorem
3-62 taxes to finance a road project unless the issuance is approved by a
3-63 vote of a two-thirds majority of the district voters voting at an
3-64 election held for that purpose.

3-65 Sec. 8089.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-66 authorized at an election held under Section 8089.0401, the
3-67 district may impose an operation and maintenance tax on taxable
3-68 property in the district in accordance with Section 49.107, Water
3-69 Code.

4-1 (b) The board shall determine the tax rate. The rate may not
4-2 exceed the rate approved at the election.

4-3 Sec. 8089.0403. CONTRACT TAXES. (a) In accordance with
4-4 Section 49.108, Water Code, the district may impose a tax other than
4-5 an operation and maintenance tax and use the revenue derived from
4-6 the tax to make payments under a contract after the provisions of
4-7 the contract have been approved by a majority of the district voters
4-8 voting at an election held for that purpose.

4-9 (b) A contract approved by the district voters may contain a
4-10 provision stating that the contract may be modified or amended by
4-11 the board without further voter approval.

4-12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-13 Sec. 8089.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-14 OBLIGATIONS. The district may issue bonds or other obligations
4-15 payable wholly or partly from ad valorem taxes, impact fees,
4-16 revenue, contract payments, grants, or other district money, or any
4-17 combination of those sources, to pay for any authorized district
4-18 purpose.

4-19 Sec. 8089.0502. TAXES FOR BONDS. At the time the district
4-20 issues bonds payable wholly or partly from ad valorem taxes, the
4-21 board shall provide for the annual imposition of a continuing
4-22 direct ad valorem tax, without limit as to rate or amount, while all
4-23 or part of the bonds are outstanding as required and in the manner
4-24 provided by Sections 54.601 and 54.602, Water Code.

4-25 Sec. 8089.0503. BONDS FOR ROAD PROJECTS. At the time of
4-26 issuance, the total principal amount of bonds or other obligations
4-27 issued or incurred to finance road projects and payable from ad
4-28 valorem taxes may not exceed one-fourth of the assessed value of the
4-29 real property in the district.

4-30 SECTION 2. The Montgomery County Municipal Utility District
4-31 No. 161 initially includes all the territory contained in the
4-32 following area:

4-33 A description of a 652 acre tract of land, located in the
4-34 Alfonzo Steel Survey, Abstract 477, the John Bricker Survey,
4-35 Abstract 98, the Gowan Harris Survey, Abstract 246, and the Lemuel
4-36 Smith Survey, Abstract 502, in Montgomery County, Texas; out of the
4-37 1835.060 acre tract of land referenced as Tract III, Parcel 2, and
4-38 out of the 191.470 acre tract of land referenced as Tract II, Parcel
4-39 1 and out of the 105.594 acre tract of land referenced as Tract 2,
4-40 Parcel 4 described in the deed recorded under Document Number
4-41 2018042236 of the Official Public Records of Montgomery County,
4-42 Texas and more particularly described as follows:

4-43 BEGINNING at the south corner of said John Bricker Survey,
4-44 common to the east corner of said Gowan Harris Survey and the south
4-45 corner of said Tract 2, Parcel 4;

4-46 THENCE North 30° 26' 13" West - 3138.61, along the west line of
4-47 said Tract 2, Parcel 4, partially along the southwest line of said
4-48 John Bricker Survey, common to the northeast line of said Gowan
4-49 Harris Survey, to the intersection of said common line and the north
4-50 right-of-way line of State Highway 242 (Lazy River Road), and the
4-51 south line of aforesaid Tract III, Parcel 2, and the south line of
4-52 aforesaid Tract 2, Parcel 1, common to the point of non-tangent
4-53 curve to the right;

4-54 THENCE along said north right-of-way line, and along said
4-55 south line of said Tract III, Parcel 2, along said curve to the
4-56 right, 60.70', with a radius of 2565.25', a central angle of 01° 21'
4-57 21", and a chord bearing and distance of North 73° 32' 31" West -
4-58 60.70', to the end of curve;

4-59 THENCE continuing along said north right-of-way line, common
4-60 to the south line of said Tract 3, Parcel 2, the following twenty
4-61 (20) courses and distances:

- 4-62 North 72° 50' 00" West - 1063.30';
- 4-63 North 69° 00' 59" West - 299.06';
- 4-64 North 72° 47' 05" West - 101.02';
- 4-65 North 78° 40' 07" West - 99.47';
- 4-66 North 72° 47' 17" West - 201.25';
- 4-67 North 71° 52' 08" West - 299.75';
- 4-68 North 72° 59' 03" West - 100.41';
- 4-69 North 75° 32' 57" West - 99.82';

5-1 North 73° 01' 36" West - 511.85';
 5-2 North 72° 53' 37" West - 586.90';
 5-3 North 78° 36' 15" West - 100.50';
 5-4 North 72° 53' 37" West - 314.28' to a point on a curve to
 5-5 the left;
 5-6 262.81', along said curve to the left, with a radius of
 5-7 2954.79', a central angle of 05° 05' 46", and a chord bearing
 5-8 and distance of North 75° 26' 30" West - 262.72' to the end of
 5-9 curve;
 5-10 North 75° 22' 06" West - 525.80';
 5-11 South 81° 54' 27" West - 733.46';
 5-12 South 76° 44' 39" West - 418.29';
 5-13 South 69° 22' 36" West - 409.05';
 5-14 South 66° 28' 20" West - 300.00';
 5-15 South 63° 36' 35" West - 300.37';
 5-16 South 66° 28' 20" West - 799.40', to the intersection of
 5-17 aforesaid north right-of-way line and the west line of an
 5-18 electric transmission corridor, in the south line of
 5-19 aforesaid Tract 3, Parcel 2;
 5-20 THENCE North 52° 44' 18" West - 2544.15', along said electric
 5-21 transmission corridor, to a point for corner;
 5-22 THENCE North 43° 44' 05" West - 4153.21', continuing along
 5-23 said electric transmission corridor, to the intersection of said
 5-24 west corridor line and the northwest line of aforesaid Tract III,
 5-25 Parcel 2;
 5-26 THENCE North 59° 01' 30" East - 3444.33', along said northwest
 5-27 line, to the west corner of the 37.61 acre tract described as
 5-28 "First" tract in the partition deed recorded under Volume 583, Page
 5-29 609, of the Deed Records of Montgomery County, Texas;
 5-30 THENCE South 30° 15' 23" East - 1567.16', continuing along the
 5-31 northeast line of aforesaid Tract III, Parcel 2, along the
 5-32 southwest line of said "First" tract, and the southwest line of the
 5-33 37.61 acre tract described as "Second" tract in the partition deed
 5-34 recorded under Volume 583, Page 609, of the Deed Records of
 5-35 Montgomery County, Texas, to the south corner of said "Second"
 5-36 tract;
 5-37 THENCE North 58° 50' 47" East - 1372.93', continuing along the
 5-38 northwest line of said Tract III, Parcel 2, along the southeast line
 5-39 of said "Second" tract, to a point for corner in said southeast line
 5-40 of said "Second" tract;
 5-41 THENCE South 30° 26' 27" East - 2772.87', to a point for
 5-42 corner;
 5-43 THENCE South 59° 25' 43" West - 1902.10' to a point for corner;
 5-44 THENCE South 15° 49' 15" East - 1921.98' to a point which is
 5-45 located three hundred feet north of the north right-of-way of
 5-46 aforesaid State Highway 242;
 5-47 THENCE along a line, three-hundred feet (300') north of
 5-48 parallel with said north right-of-way line, the following
 5-49 twenty-two (22) courses and distances:
 5-50 North 66° 28' 20" East - 320.29';
 5-51 North 63° 36' 35" East - 300.37';
 5-52 North 66° 28' 20" East - 315.10';
 5-53 North 69° 22' 36" East - 435.97';
 5-54 North 76° 44' 39" East - 451.13';
 5-55 North 81° 54' 27" East - 807.27';
 5-56 South 75° 22' 06" East - 579.39' to the beginning of a
 5-57 curve to the right;
 5-58 282.46', along said curve to the right, with a radius of
 5-59 3254.79', a central angle of 04° 58' 20", and a chord bearing
 5-60 and distance of South 75° 22' 47" East - 282.37' to the end of
 5-61 curve;
 5-62 South 72° 53' 37" East - 299.32';
 5-63 South 78° 36' 15" East - 100.50';
 5-64 South 72° 53' 37" East - 601.51';
 5-65 South 73° 01' 36" East - 504.90';
 5-66 South 75° 32' 57" East - 99.73';
 5-67 South 72° 59' 03" East - 110.05';
 5-68 South 71° 52' 08" East - 300.26';
 5-69 South 72° 47' 17" East - 183.43';

6-1 South 78° 40' 07" East - 99.48';
 6-2 South 72° 47' 05" East - 126.31';
 6-3 South 69° 00' 59" East - 298.93';
 6-4 South 72° 50' 13" East - 1053.14' to the beginning of a
 6-5 tangent curve to the left;
 6-6 1655.03', along said curve to the left, with a radius of
 6-7 2565.25', a central angle of 36° 57' 57", and a chord bearing
 6-8 and distance of North 88° 37' 40" East - 1626.48' to the end of
 6-9 curve;
 6-10 North 70° 12' 35" East - 881.55';
 6-11 THENCE North 67° 55' 52" East - 25.80', to the intersection of
 6-12 said three hundred foot offset and the west right-of-way line of FM
 6-13 1314 (Conroe Porter Road), and the east line of aforesaid Tract 2,
 6-14 Parcel 1;
 6-15 THENCE North 11° 00' 27" West - 587.98', continuing along said
 6-16 west right-of-way line of FM 1314 (Conroe Porter Road), and the east
 6-17 line of aforesaid Tract 2, Parcel 1, to a point for corner;
 6-18 THENCE North 12° 31' 04" West - 2420.93', continuing along
 6-19 said common line, and the east line of aforesaid Tract III, Parcel 2
 6-20 to a point for corner;
 6-21 THENCE North 12° 33' 22" West - 34.59', continuing along
 6-22 aforesaid west right-of-way line of FM 1314 (Conroe Porter Road)
 6-23 and the east line of aforesaid Tract III, Parcel 2, to the beginning
 6-24 of a tangent curve to the left;
 6-25 THENCE, 1150.34', continuing along said common line, along
 6-26 said curve to the left, having a radius of 1859.86', a central angle
 6-27 of 35° 26' 17", and a chord bearing and distance of North 30° 18' 14"
 6-28 West - 1132.09' to the end of curve;
 6-29 THENCE North 48° 01' 22" West - 2965.58', continuing along
 6-30 said common line, to the intersection of said common line and the
 6-31 northwest line of aforesaid Alfonzo Steel Survey;
 6-32 THENCE North 58° 58' 24" East - 105.84', along the northwest
 6-33 line of said Alfonzo Steel Survey, to the intersection of said
 6-34 northwest line and the east right-of-way line of aforesaid FM 1314
 6-35 (Conroe Porter Road), the northwest corner of the 273.466 acre
 6-36 tract of land referenced as Tract III, Parcel 1 described in the
 6-37 deed recorded under Document Number 2018042236 of the Official
 6-38 Public Records of Montgomery County, Texas;
 6-39 THENCE South 48° 01' 22" East - 2935.99', continuing along
 6-40 said east right-of-way line, and the west line of Tract III, Parcel
 6-41 1, to the beginning of a curve to the right;
 6-42 THENCE, 1212.26', continuing along said common line, along
 6-43 said curve to the right, with a radius of 1959.86', a central angle
 6-44 of 35° 26' 24", and a chord bearing and distance of South 30° 16' 34"
 6-45 East - 1193.03' to the end of curve;
 6-46 THENCE South 12° 33' 22" East - 1.21, continuing along said
 6-47 common line, to a point for corner;
 6-48 THENCE South 12° 01' 58" East - 2102.94', continuing along
 6-49 said east right-of-way line, and west line of the Tract III, Parcel
 6-50 1 and the west line of a 195.961 acre tract of land referenced as
 6-51 Tract 2, Parcel 2 described in the deed recorded under Document
 6-52 Number 2018042236 of the Official Public Records of Montgomery
 6-53 County, Texas; to a point for corner;
 6-54 THENCE South 13° 30' 38" East - 995.85', continuing along said
 6-55 east right-of-way line, and said west line of Tract 2, Parcel 2, to
 6-56 a point for corner;
 6-57 THENCE South 23° 14' 55" East - 200.33', continuing along said
 6-58 common line, to the intersection of said common line and the north
 6-59 right-of-way line of State Highway 242;
 6-60 THENCE South 16° 50' 19" East - 538.64', continuing along
 6-61 aforesaid east right-of-way line, to a point for corner at the
 6-62 intersection of said east right-of-way line and the south
 6-63 right-of-way line of said State Highway 242, the northwest corner
 6-64 of a 90.860 acre tract of land referenced as Tract 2, Parcel 3
 6-65 described in the deed recorded under Document Number 2018042236 of
 6-66 the Official Public Records of Montgomery County, Texas;
 6-67 THENCE South 19° 50' 32" East - 241.38', continuing along said
 6-68 east right-of-way line, and the west line of said Tract 2, Parcel 3,
 6-69 to a point for corner;

