

By: Burns

H.B. No. 4724

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Dove Valley Ranch Municipal Utility District of Johnson County; 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 7895 to read as follows:

CHAPTER 7895. DOVE VALLEY RANCH MUNICIPAL UTILITY DISTRICT OF

JOHNSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7895.0101. 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 Dove Valley Ranch Municipal Utility District of Johnson County.

Sec. 7895.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7895.0103. 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. 7895.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7895.0103 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. 7895.0105. 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. 7895.0106. 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. 7895.0201. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 7895.0202, directors
7 serve staggered four-year terms.

8 Sec. 7895.0202. 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 7895.0103; or

18 (2) September 1, 2023.

19 (c) If permanent directors have not been elected under
20 Section 7895.0103 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 7895.0103; 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. 7895.0301. 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. 7895.0302. 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. 7895.0303. 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. 7895.0304. 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. 7895.0305. 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 Sec. 7895.0306. DIVISION OF DISTRICT. (a) The district may
16 be divided into two or more new districts only if the district:

17 (1) has no outstanding bonded debt; and

18 (2) is not imposing ad valorem taxes.

19 (b) This chapter applies to any new district created by the
20 division of the district, and a new district has all the powers and
21 duties of the district.

22 (c) Any new district created by the division of the district
23 may not, at the time the new district is created, contain any land
24 outside the area described by Section 2 of the Act enacting this
25 chapter.

26 (d) The board, on its own motion or on receipt of a petition
27 signed by the owner or owners of a majority of the assessed value of

1 the real property in the district, may adopt an order dividing the
2 district.

3 (e) The board may adopt an order dividing the district
4 before or after the date the board holds an election under Section
5 7895.0103 to confirm the district's creation.

6 (f) An order dividing the district must:

7 (1) name each new district;

8 (2) include the metes and bounds description of the
9 territory of each new district;

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

11 and

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

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

18 (h) Any new district created by the division of the district
19 shall hold a confirmation and directors' election as required by
20 Section 7895.0103. If the voters of a new district do not confirm
21 the creation of the new district, the assets, obligations,
22 territory, and governance of the new district revert to the
23 original district.

24 (i) Municipal consent to the creation of the district and to
25 the inclusion of land in the district granted under Section
26 7895.0104 acts as municipal consent to the creation of any new
27 district created by the division of the district and to the

1 inclusion of land in the new district.

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

6 (k) If the creation of the new district is confirmed, the
7 new district shall provide the election date and results to the
8 commission.

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 7895.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

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

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

14 (2) contract payments described by Section 7895.0403.

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

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

23 Sec. 7895.0402. OPERATION AND MAINTENANCE TAX. (a) If

24 authorized at an election held under Section 7895.0401, the
25 district may impose an operation and maintenance tax on taxable
26 property in the district in accordance with Section 49.107, Water
27 Code.

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

3 Sec. 7895.0403. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax and use the revenue derived from
6 the tax to make payments under a contract after the provisions of
7 the contract have been approved by a majority of the district voters
8 voting at an election held for that purpose.

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

12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

13 Sec. 7895.0501. AUTHORITY TO ISSUE BONDS AND OTHER
14 OBLIGATIONS. The district may issue bonds or other obligations
15 payable wholly or partly from ad valorem taxes, impact fees,
16 revenue, contract payments, grants, or other district money, or any
17 combination of those sources, to pay for any authorized district
18 purpose.

19 Sec. 7895.0502. TAXES FOR BONDS. At the time the district
20 issues bonds payable wholly or partly from ad valorem taxes, the
21 board shall provide for the annual imposition of a continuing
22 direct ad valorem tax, without limit as to rate or amount, while all
23 or part of the bonds are outstanding as required and in the manner
24 provided by Sections 54.601 and 54.602, Water Code.

25 Sec. 7895.0503. BONDS FOR ROAD PROJECTS. At the time of
26 issuance, the total principal amount of bonds or other obligations
27 issued or incurred to finance road projects and payable from ad

1 valorem taxes may not exceed one-fourth of the assessed value of the
2 real property in the district.

3 SECTION 2. The Dove Valley Ranch Municipal Utility District
4 of Johnson County initially includes all the territory contained in
5 the following area:

6 574.533 acres of land situated in Johnson County, Texas,
7 being made up of the following three (3) tracts of land:

8 Tract I:

9 BEING all that certain tract or parcel of land lying and being
10 situated in the JOHNSON COUNTY SCHOOL SURVEY ABSTRACT NO. 437,
11 Johnson County, Texas and being the remainder of a tract described
12 in deed to Daniel Cattle Company recorded in Book 3425, Page 705,
13 Deed Records, Johnson County, Texas and being more particularly
14 described as follows:

15 BEGINNING at a fence corner post at the intersection of the
16 north line of said Daniel Tract and the East right of way line of
17 F.M. Road 2331 and being on the south line of a tract described in a
18 deed to P.C. Bishop et ux, recorded in Volume 424, Page 353, Deed
19 Records, Johnson County, Texas and being the Northwest corner of
20 the remainder of said Daniel Tract;

21 THENCE North 89 degrees 29 minutes 13 seconds East with the
22 north line of said Daniel Tract the south line of said Bishop Tract
23 part of the way, passing the southeast corner of said Bishop Tract
24 and the Southwest corner of a tract described in a deed to Susan R.
25 Welborn, recorded in Book 2578, Page 105, Deed Records, Johnson
26 County, Texas, continuing with the south line of said Welborn Tract
27 a total distance of 3398.43 feet to a set 1/2 inch iron pin stamped

1 "Metroplex 1849" at the Southwest corner of Mustang Estates Phase
2 1, an addition to the County of Johnson according to the plat
3 thereof recorded in Volume 8, Page 640-641, Plat Records, Johnson
4 County, Texas;

5 THENCE North 89 degrees 28 minutes 46 seconds East with the
6 North line of said Daniel tract and the South line of said Mustang
7 Estates a distance of 1262.51 feet to a set 1/2 inch iron pin
8 stamped "Metroplex 1849";

9 THENCE North 89 degrees 31 minutes 45 seconds East continuing
10 with the north line of said Daniel Tract and the south line of said
11 Mustang Estates a distance of 1378.82 feet to a set PK Nail at the
12 Northeast corner of said Daniel tract on the West line of a tract
13 described in a deed to Eugene Embry recorded in Book 2419, Page 755,
14 Deed Records, Johnson County, Texas and said nail being in County
15 Road 1004;

16 THENCE South 00 degrees 28 minutes 11 seconds East with the
17 east line of said Daniels Tract a distance of 2587.09 feet to a set
18 PK Nail at the southeast corner of said Daniels Tract being the
19 northeast corner of a tract described in a deed to John Walter
20 Hubbard recorded in Volume 750, Page 273, Deed Records, Johnson
21 County, Texas said corner also being on the west line of a tract
22 described in a deed to Evernon C. Carrell recorded in Volume 480,
23 Page 579, Deed Records, Johnson County, Texas;

24 THENCE South 89 degrees 47 minutes 22 seconds West with the
25 south line of said Daniel Tract, the north line of said John Walter
26 Hubbard Tract part of the way passing the northeast corner of a
27 tract described in a deed to Winford Gayland Hubbard et ux, recorded

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1 in Volume 1533, Page 492, Deed Records, Johnson County, Texas,
2 continuing for a total distance of 3391.80 feet to a found iron pin
3 at the northwest corner of said Windford Gayland Hubbard Tract and
4 the northeast corner of a tract described in a deed to Mark E.
5 Angeledes and Delana D. Angeledes recorded in Book 2833, Page 944,
6 Deed Records, Johnson County, Texas;

7 THENCE South 89 degrees 18 minutes 56 seconds West with the
8 south line of said Daniel Tract, the north line of said Angeledes
9 Tract part of the way passing the northwest corner of said Angeledes
10 Tract and the northeast corner of a tract described in a deed to
11 Bart Lynch et ux recorded in Book 2805, Page 840, Deed Records,
12 Johnson County, Texas continuing with the north line of said Lynch
13 Tract a total distance of 1344.68 feet to a found iron pin at the
14 northwest corner of said Lynch Tract and the northeast corner of a
15 tract described in a deed to Ben Davis, Jr. recorded in Book 2355,
16 Page 431, Deed Records, Johnson County, Texas;

17 THENCE South 89 degrees 19 minutes 35 seconds West with the
18 south line of said Daniel Tract and the north line of said Davis
19 Tract a distance of 1307.95 feet to a found iron pin at the
20 intersection of the south line of said Daniel Tract and the east
21 right of way of F.M. Road 2331 and being the northwest corner of
22 said Davis Tract and the Southwest corner of the remainder of said
23 Daniel Tract;

24 THENCE North 00 degrees 22 minutes 01 seconds West with the
25 east right of way line of F.M. Road 2331 a distance of 2577.73 feet
26 to the POINT OF BEGINNING and Containing 357.408 acres of land, more
27 or less.

1 Tract II:

2 BEING all that certain tract or parcel of land lying and being
3 situated in the JOHNSON COUNTY SCHOOL SURVEY, ABSTRACT NO. 437,
4 Johnson County, Texas, and being a part of a tract described in a
5 deed to Susan Daniel Hammond et al, recorded in Volume 1222, Page
6 578, Deed Records, Johnson County, Texas and being more
7 particularly described as follows:

8 BEGINNING at a found iron pin at the southwest corner of a
9 tract described in a deed to Ben Davis, Jr. recorded in Volume 2355,
10 Page 431, Deed Records, Johnson County, Texas and being on the east
11 right of way line of F.M. 2331 from which a found iron pin at the
12 northwest corner of said Davis Tract bears North 00 degrees 22
13 minutes 00 seconds West a distance of 416.82 feet;

14 THENCE North 89 degrees 19 minutes 58 seconds East with the
15 south line of said Davis Tract a distance of 1307.25 feet to a found
16 iron pin at the southeast corner of said Davis Tract, and being on
17 the west line of a tract described in a deed to Bart Lynch et ux,
18 recorded in Book 2805, Page 840, Deed Records of Johnson County,
19 Texas;

20 THENCE South 00 degrees 22 minutes 09 seconds East with the
21 west line of said Lynch Tract, a distance of 1303.49 feet to a found
22 iron pin at the southwest corner of said Lynch Tract and the
23 northwest corner of a called Tract 1, described in a deed to Scott
24 Wayne Anderson et al recorded in Book 2509, Page 133, Deed Records
25 of Johnson County, Texas;

26 THENCE 00 degrees 23 minutes 53 seconds East with the west
27 line of said Anderson Tract a distance of 349.90 feet to a found

1 iron pin at the southwest corner of said Anderson Tract and the
2 northwest corner of a tract described in a deed to Winston E. Dixon
3 et ux recorded in Book 2802, Page 653, Deed Records, Johnson County,
4 Texas;

5 THENCE South 00 degrees 09 minutes 00 seconds East with the
6 west line of said Dixon Tract a distance of 516.60 feet to a set PK
7 Nail at the southwest corner of Dixon Tract and being on the south
8 line of said Hammond Tract;

9 THENCE South 89 degrees 19 minutes 43 seconds West with the
10 south line of said Hammond Tract a distance of 1255.64 feet to a set
11 PK Nail at the southern most southwest corner of said Hammond Tract
12 and being the east right of way line F.M. Road 2331;

13 THENCE North 00 degrees 17 minutes 46 seconds West with the
14 west line of said Hammond Tract and the east right of way line of
15 F.M. Road 2331 a distance of 20.11 feet to a set 1/2 inch iron pin
16 stamped "Metroplex 1849";

17 THENCE North 45 degrees 22 minutes 01 second West with the
18 west line of said Hammond Tract and the east right of way line of
19 F.M. Road 2331 a distance of 70.60 feet to a set 1/2 inch iron pin
20 stamped "Metroplex 1849";

21 THENCE North 00 degrees 22 minutes 00 seconds West with the
22 west line of said Hammond Tract and the east right of way line of
23 F.M. Road 2331 a distance of 2099.78 feet to the POINT OF BEGINNING
24 and containing 65.064 acres of land, more or less.

25 Tract III:

26 152.061 Acres situated in and being a portion of Sections 18
27 and 19, JOHNSON COUNTY SCHOOL LAND SURVEY, ABSTRACT No. 427,

1 Johnson County, Texas and being all those certain Lots, Tracts or
2 Parcels of land described by deeds to Ronald W. Welborn, Trustee,
3 recorded in Volume 2465, Page 461 and Susan R. Welborn, recorded in
4 Volume 2578, Page 105, Official Records, Johnson County, Texas and
5 being more particularly described by metes and bounds as follows:

6 BEGINNING at an iron rod set, said iron being the called
7 southwest corner of said Section 18;

8 THENCE N 00°22'34" W, 1316.79 feet to an iron rod set;

9 THENCE N 89°33'30"E, 232.98 feet to an iron rod set;

10 THENCE N 00°24'34" W, 1267.91 feet to an iron rod found;

11 THENCE N 89°33'32" E, at 3119.2 feet passing an iron rod found
12 in the west line of County Road No. 1004, as it exist and in all
13 3140.20 feet to a nail set in said county road;

14 THENCE S 00°24'30" E, 1700.08 feet to a nail in said county
15 road;

16 THENCE S 89°35'30" W, at 30.0 feet passing an iron rod found at
17 the northeast corner of Dove Valley Ranch, an addition to Johnson
18 County, Texas, according to the plat recorded in Volume 8, Page 641,
19 Plat Records, Johnson County, Texas and in all 380.50 feet to an
20 iron rod set at the most northerly northwest corner of said Dove
21 Valley Ranch;

22 THENCE with the line of said Dove Valley Ranch the following
23 courses and distances;

24 S 00°24'30" E, 239.47 feet to an iron rod found;

25 S 89°30'30" W, 2270.28 feet to an iron rod found;

26 S 00°26'18" E, 642.05 feet to an iron rod found at the
27 southwest corner of said Dove Valley Ranch;

1 THENCE S 89°27'14" W, 723.45 feet to the POINT OF BEGINNING
2 152.061 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) If this Act does not receive a two-thirds
22 vote of all the members elected to each house, Subchapter C, Chapter
23 7895, Special District Local Laws Code, as added by Section 1 of
24 this Act, is amended by adding Section 7895.0307 to read as follows:

25 Sec. 7895.0307. NO EMINENT DOMAIN POWER. The district may
26 not exercise the power of eminent domain.

27 (b) This section is not intended to be an expression of a

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1 legislative interpretation of the requirements of Section 17(c),
2 Article I, Texas Constitution.

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