

By: Schaefer

H.B. No. 4749

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Rose City Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments and fees.

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 7958 to read as follows:

CHAPTER 7958. ROSE CITY MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7958.0101. 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 Rose City Municipal Utility District.

Sec. 7958.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7958.0103. 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. 7958.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7958.0103 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. 7958.0105. 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 a  
10 municipal utility district as provided by general law and Section  
11 59, Article XVI, Texas Constitution.

12       Sec. 7958.0106. INITIAL DISTRICT TERRITORY. (a) The  
13 district is initially composed of the territory described by  
14 Section 2 of the Act enacting this chapter.

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

19               (1) organization, existence, or validity;  
20               (2) right to issue any type of bond for the purposes  
21 for which the district is created or to pay the principal of and  
22 interest on a bond;

23               (3) right to impose a tax; or

24               (4) legality or operation.

25               SUBCHAPTER B. BOARD OF DIRECTORS

26       Sec. 7958.0201. GOVERNING BODY; TERMS. (a) The district is  
27 governed by a board of five elected directors.

1        (b) Except as provided by Section 7958.0202, directors  
2 serve staggered four-year terms.

3        Sec. 7958.0202. TEMPORARY DIRECTORS. (a) The temporary  
4 board consists of:

- 5            (1) Martin Heines;  
6            (2) John Nix;  
7            (3) Sam Mezayek;  
8            (4) Darryl Bowdre; and  
9            (5) Edward Broussard.

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

11           (1) the date permanent directors are elected under  
12 Section 7958.0103; or

13           (2) the fourth anniversary of the effective date of  
14 the Act enacting this chapter.

15       (c) If permanent directors have not been elected under  
16 Section 7958.0103 and the terms of the temporary directors have  
17 expired, successor temporary directors shall be appointed or  
18 reappointed as provided by Subsection (d) to serve terms that  
19 expire on the earlier of:

20           (1) the date permanent directors are elected under  
21 Section 7958.0103; or

22           (2) the fourth anniversary of the date of the  
23 appointment or reappointment.

24       (d) If Subsection (c) applies, the owner or owners of a  
25 majority of the assessed value of the real property in the district  
26 may submit a petition to the commission requesting that the  
27 commission appoint as successor temporary directors the five

1 persons named in the petition. The commission shall appoint as  
2 successor temporary directors the five persons named in the  
3 petition.

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 7958.0301. GENERAL POWERS AND DUTIES. The district  
6 has the powers and duties necessary to accomplish the purposes for  
7 which the district is created.

8 Sec. 7958.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
9 DUTIES. The district has the powers and duties provided by the  
10 general law of this state, including Chapters 49 and 54, Water Code,  
11 applicable to municipal utility districts created under Section 59,  
12 Article XVI, Texas Constitution.

13 Sec. 7958.0303. COMPLIANCE WITH MUNICIPAL CONSENT  
14 ORDINANCE OR RESOLUTION. The district shall comply with all  
15 applicable requirements of any ordinance or resolution that is  
16 adopted under Section 54.016 or 54.0165, Water Code, and that  
17 consents to the creation of the district or to the inclusion of land  
18 in the district.

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 7958.0401. ELECTIONS REGARDING BONDS. The district  
21 may issue, without an election, bonds and other obligations secured  
22 by revenue other than ad valorem taxes.

23 Sec. 7958.0402. PROHIBITION ON IMPOSITION OF TAXES. (a) The  
24 district may not impose an ad valorem tax for any purpose.

25 (b) Section 49.107, Water Code, does not apply to the  
26 district.

1                   SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2                   Sec. 7958.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
3 OBLIGATIONS. The district may issue bonds or other obligations  
4 payable wholly or partly from impact fees, revenue, contract  
5 payments, grants, or other district money, or any combination of  
6 those sources, to pay for any authorized district purpose.

7                   SECTION 2. The Rose City Municipal Utility District  
8 initially includes all the territory contained in the following  
9 area:

10 BEING a 21,118 acre tract of land situated in Smith County, Texas,  
11 said 21,118 acre tract being more completely described by metes and  
12 bounds as follows:

13 BEGINNING at the intersection of the centerline of State Highway  
14 No. 155 with State Highway 57 (West Grande Boulevard);

15 THENCE Easterly with the centerline of West Grande Boulevard to its  
16 intersection with F.M. 2493 (Old Jacksonville Highway);

17 THENCE Southwesterly with the centerline of F.M. 2493 (Old  
18 Jacksonville Highway) to its intersection with Three Lakes Parkway;

19 THENCE Southeasterly with the centerline of Three Lakes Parkway to  
20 its intersection with Dueling Oaks;

21 THENCE Easterly with the centerline of Dueling Oaks to its  
22 intersection with Hollytree Drive;

23 THENCE Southwesterly with the centerline of Hollytree Drive to its  
24 intersection with Maple Lane;

25 THENCE Southerly with the centerline of Maple Lane to its  
26 intersection with West Cumberland Road;

27 THENCE Easterly with the centerline of West Cumberland Road to its

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1 intersection with U.S. Highway 69 (South Broadway Ave.);  
2 THENCE Southerly with the centerline of U.S. Highway 69 (South  
3 Broadway Ave.) to its intersection with Loop 49;  
4 THENCE Northeasterly with the centerline of Loop 49 to its  
5 intersection with F.M. 756 (South Paluxy Drive);  
6 THENCE Southeasterly with the centerline of F.M. 756 (South Paluxy  
7 Drive) to its intersection with F.M. 346;  
8 THENCE Southwesterly with the centerline of F.M. 346 to its  
9 intersection with County Road 15;  
10 THENCE Southerly with the centerline of County Road 15 to its  
11 intersection with County Road 129;  
12 THENCE Northeasterly with the centerline of County Road 129 to its  
13 intersection with County Road 112;  
14 THENCE with the centerline of County Road 112 to its intersection  
15 with County Road 113;  
16 THENCE with the centerline of County Road 113 to its intersection  
17 with County Road 152;  
18 THENCE Southwesterly with the centerline of County Road 152 to its  
19 intersection with U.S. Highway No. 69;  
20 THENCE Southeasterly with the centerline of U.S. Highway No. 69 to  
21 its intersection with the South boundary line of Liberty Utilities  
22 (Woodmark) CCN 20679 as shown by digital map on 3-08-2019 per the  
23 Public Utility Commission of Texas website, same being on the East  
24 boundary line of the City of Bullard, Texas, Sewer CCN 20903 as  
25 shown by digital map on 3-08-2019 per the Public Utility Commission  
26 of Texas website;  
27 THENCE Southwesterly with said East boundary line of Bullard, Texas

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1 CCN 20903 and South boundary line of Liberty Utilities (Woodmark)  
2 CCN 20679 to its intersection with the centerline of F.M. 2493;  
3 THENCE Northwesterly with the centerline of F.M. 2493 to an ell  
4 corner in the West line of said CCN 20679;  
5 THENCE West continuing with the West boundary line of said CCN 20679  
6 to its intersection with the centerline of County Road 173 and being  
7 the Westerly Southwest corner of said CCN 20679;  
8 THENCE Northerly with the centerline of County Road 173 to its  
9 intersection with the centerline of County Road 175;  
10 THENCE Westerly with the centerline of County Road 175 to its  
11 intersection with the centerline of F.M. 346;  
12 THENCE Westerly with the centerline of F.M. 346 to its intersection  
13 with the centerline of County Road 185 (Oak Hollow Road);  
14 THENCE Westerly with the centerline of County Road 185 to its  
15 intersection with the centerline of County Road 178 (Old Palestine  
16 Highway);  
17 THENCE Northeasterly with the centerline of County Road 178 (Old  
18 Palestine Highway) to its intersection with the centerline of  
19 County Road 168 (Saline Creek Road);  
20 THENCE Northeasterly with the centerline of County Road 168 to its  
21 intersection with the centerline of County Road 178 (Jonestown  
22 Road);  
23 THENCE North with the centerline of County Road 178 to its  
24 intersection with the centerline of County Road 192 (Old Noonday  
25 Road);  
26 THENCE Northeasterly with the centerline of County Road 192 to its  
27 intersection with the centerline of County Road 193 (Taylor Road);

1 THENCE Northwesterly with the centerline of County Road 193 to its  
2 intersection with the centerline of State Highway No. 155;  
3 THENCE Northeasterly with the centerline of State Highway No. 155  
4 to the place of beginning containing 21,118 acres of land, plus or  
5 minus.

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

13 (b) The governor, one of the required recipients, has  
14 submitted the notice and Act to the Texas Commission on  
15 Environmental Quality.

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

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

24 SECTION 4. (a) If this Act does not receive a two-thirds  
25 vote of all the members elected to each house, Subchapter C, Chapter  
26 7958, Special District Local Laws Code, as added by Section 1 of  
27 this Act, is amended by adding Section 7958.0304 to read as follows:



1        Sec. 7958.0304. NO EMINENT DOMAIN POWER. The district may  
2 not exercise the power of eminent domain.

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

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