

By: Watson  
(Israel)

S.B. No. 592

Substitute the following for S.B. No. 592:

By: Craddick

C.S.S.B. No. 592

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Brickston Municipal Utility  
3 District; granting a limited power of eminent domain; providing  
4 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 8038 to read as follows:

9 CHAPTER 8038. BRICKSTON MUNICIPAL UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8038.0101. DEFINITIONS. In this chapter:

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

13 (2) "Commission" means the Texas Commission on  
14 Environmental Quality.

15 (3) "Director" means a board member.

16 (4) "District" means the Brickston Municipal Utility  
17 District.

18 Sec. 8038.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 8038.0103. CONFIRMATION AND DIRECTOR ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 8038.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 8038.0103 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. 8038.0105. 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. 8038.0106. 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. 8038.0201. GOVERNING BODY; TERMS. (a) The district  
4 is governed by a board of five elected directors.

5           (b) Except as provided by Section 8038.0202, directors  
6 serve staggered four-year terms.

7           Sec. 8038.0202. TEMPORARY DIRECTORS. (a) On or after the  
8 effective date of the Act enacting this chapter, the owner or owners  
9 of a majority of the assessed value of the real property in the  
10 district may submit a petition to the commission requesting that  
11 the commission appoint as temporary directors the five persons  
12 named in the petition. The commission shall appoint as temporary  
13 directors the five persons named in the petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 8038.0103; 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 8038.0103 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 8038.0103; 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. 8038.0301. 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. 8038.0302. 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. 8038.0303. 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. 8038.0304. 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 the road project is located.

27       (b) If a road project is not located in the corporate limits

1 of a municipality, the road project must meet all applicable  
2 construction standards, subdivision requirements, and regulations  
3 of each county in which the road project is located.

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

7 Sec. 8038.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
8 ORDINANCE OR RESOLUTION. The district shall comply with all  
9 applicable requirements of any ordinance or resolution that is  
10 adopted under Section 54.016 or 54.0165, Water Code, and that  
11 consents to the creation of the district or to the inclusion of land  
12 in the district.

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8038.0401. ELECTIONS REGARDING TAXES OR BONDS.

15 (a) The district may issue, without an election, bonds and other  
16 obligations secured by:

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

18 (2) contract payments described by Section 8038.0403.

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

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

27 Sec. 8038.0402. OPERATION AND MAINTENANCE TAX. (a) If

1 authorized at an election held under Section 8038.0401, the  
2 district may impose an operation and maintenance tax on taxable  
3 property in the district in accordance with Section 49.107, Water  
4 Code.

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

7 Sec. 8038.0403. CONTRACT TAXES. (a) In accordance with  
8 Section 49.108, Water Code, the district may impose a tax other than  
9 an operation and maintenance tax and use the revenue derived from  
10 the tax to make payments under a contract after the provisions of  
11 the contract have been approved by a majority of the district voters  
12 voting at an election held for that purpose.

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

16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17 Sec. 8038.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
18 OBLIGATIONS. The district may issue bonds or other obligations  
19 payable wholly or partly from ad valorem taxes, impact fees,  
20 revenue, contract payments, grants, or other district money, or any  
21 combination of those sources, to pay for any authorized district  
22 purpose.

23 Sec. 8038.0502. TAXES FOR BONDS. At the time the district  
24 issues bonds payable wholly or partly from ad valorem taxes, the  
25 board shall provide for the annual imposition of a continuing  
26 direct ad valorem tax, without limit as to rate or amount, while all  
27 or part of the bonds are outstanding as required and in the manner

1 provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 8038.0503. BONDS FOR ROAD PROJECTS. At the time of  
3 issuance, the total principal amount of bonds or other obligations  
4 issued or incurred to finance road projects and payable from ad  
5 valorem taxes may not exceed one-fourth of the assessed value of the  
6 real property in the district.

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

10 BEING A 448.8-ACRE [19,551,571 SQUARE FEET] MUD TRACT OUT OF  
11 THE WILLIAM HINES SURVEY NUMBER 53, ABSTRACT NUMBER 346, TRAVIS  
12 COUNTY, TEXAS, SAID TRACT BEING ALL OF THAT CALLED 127.535-ACRE  
13 TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC., AS RECORDED IN  
14 DOCUMENT NUMBER 2008035687 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
15 COUNTY, TEXAS [O.P.R.T.C.T.], AND A PORTION OF THAT CALLED  
16 315.26-ACRE TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC. AS  
17 RECORDED IN DOCUMENT NUMBER 2008035688 O.P.R.T.C.T. SAID TRACT  
18 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

19 BEGINNING at a 5/8-inch iron rod found in the west line of  
20 that called 29.556-acre tract described to Centex Land, LTD. as  
21 recorded in Document Number 1999124374 O.P.R.T.C.T. for the south  
22 corner of that called 9.35-acre tract described to Johnny Wilkins,  
23 Jr. and wife, Virginia C. Wilkins as recorded in Volume 12363, Page  
24 2230 of the Real Property Records of Travis County, Texas  
25 [R.P.R.T.C.T.], same being the east corner of said 315.26-acre  
26 tract and the east corner of the tract described herein;

27 THENCE with said west line of the 29.556-acre tract, same

1 being the east line of said 315.26-acre tract, S26°55'05"W a  
2 distance of 926.58 feet to a 1/2-inch iron rod found for the east  
3 corner of that called 5.00-acre tract described to Amos Whit Parker  
4 and Wife, Mary Catherine Parker as recorded in Volume 12714, Page  
5 2046 R.P.R.T.C.T.;

6 THENCE with the north line of said 5.00-acre tract,  
7 continuing with said east line of the 315.26-acre tract, N63°18'57"W  
8 a distance of 796.21 feet to a 1/2-inch iron rod found for the north  
9 corner of said 5.00-acre tract;

10 THENCE with the west line of said 5.00-acre tract, continuing  
11 with said east line of the 315.26-acre tract, S26°40'58"W a distance  
12 of 273.21 feet to the west corner of said 5.00-acre tract, same  
13 being the north corner of that called 10.57-acre tract described to  
14 David S. Rose and Kristen R. Carter, as recorded in Volume 12854,  
15 Page 2132 R.P.R.T.C.T.;

16 THENCE with the west line of said 10.57-acre tract,  
17 continuing with said east line of the 315.26-acre tract, S26°59'51"W  
18 a distance of 578.62 feet to a point in the north line of that called  
19 175.81-acre tract described to Centex Land, Ltd as recorded in  
20 Volume 13299, Page 2327 R.P.R.T.C.T. for the west corner of said  
21 10.57-acre tract;

22 THENCE with said north line of the 175.81-acre tract,  
23 continuing with said east line of the 315.26-acre tract, the  
24 following five (5) courses and distances:

25 1) N63°35'01"W a distance of 41.42 feet to an angle  
26 point,

27 2) N61°56'37"W a distance of 120.25 feet to an angle



1 point,

2           3) N62°39'21"W a distance of 572.60 feet to a 1/2-inch  
3 iron rod found for an angle point,

4           4) N62°32'09"W a distance of 228.42 feet to a 3/8-inch  
5 iron rod found for an angle point,

6           5) N62°48'14"W a distance of 1,444.80 feet to an angle  
7 point for the north corner of said 175.81-acre tract;

8           THENCE with the west line of said 175.81-acre tract, same  
9 being the south line of said 315.26-acre tract, S27°07'44"W a  
10 distance of 76.16 feet to an angle point for the east corner of said  
11 127.535-acre tract;

12           THENCE continuing with said west line of the 175.81-acre  
13 tract, same being the east line of said 127.535-acre tract, the  
14 following two (2) courses and distances:

15           1) S27°32'56"W a distance of 1,770.97 feet to an angle  
16 point for the south corner of said 127.535-acre tract, and

17           2) N61°57'33"W a distance of 395.35 feet to an angle  
18 point in the east line of that called 202.522-acre tract described  
19 to Robert E. Lundgren & Kathryn E. Lundgren as recorded in Volume  
20 11133, Page 517 R.P.R.T.C.T.;

21           THENCE with the east line of said 202.522-acre tract, same  
22 being the south line of said 127.535-acre tract, N28°06'22"E a  
23 distance of 20.48 feet to an angle point for the east corner of said  
24 202.522-acre tract;

25           THENCE with the north line of said 202.522-acre tract,  
26 continuing with said south line of the 127.535-acre tract,  
27 N63°06'01"W a distance of 2,773.48 feet to a point in the east line

1 of that called 84.987-acre tract described to Ruth Ann Lofton  
2 Kylberg as recorded in Volume 6863, Page 1580 of the Deed Records of  
3 Travis County, Texas, for the west corner of said 127.535-acre tract  
4 and the west corner of the tract described herein;

5       THENCE with said east line of the 84.987-acre tract, same  
6 being the west line of said 127.535-acre tract, N27°08'30"E a  
7 distance of 797.97 feet to 1/2-inch iron rod found for the apparent  
8 southerly terminus of Giese Lane, a varying-width right-of-way, no  
9 record information found;

10       THENCE with the apparent east right-of-way line of Giese  
11 Lane, continuing with the west line of said 127.535-acre tract, the  
12 following two (2) courses and distances:

13             1) N51°48'59"E a distance of 48.16 feet to an angle  
14 point, and

15             2) N26°22'12"E a distance of 900.92 feet to a 3/4-inch  
16 iron rod found for the north corner of said 127.535-acre tract;

17       THENCE continuing with the apparent east right-of-way line of  
18 Giese Lane, with the west line of said 315.26-acre tract, the  
19 following two (2) courses and distances:

20             1) N26°32'58"E a distance of 281.93 feet to an angle  
21 point, and

22             2) N26°37'58"E a distance of 64.47 feet to an angle  
23 point at the intersection of the apparent common Manor County Extra  
24 Territorial Jurisdiction line and the apparent Travis County Line  
25 with said apparent east right-of-way line of Giese Lane and said  
26 west line of the 315.26-acre tract;

27       THENCE leaving said apparent east right-of-way line of Giese

1 Lane and said west line of the 315.26-acre tract, crossing said  
2 315.26-acre tract, with the apparent common Manor County Extra  
3 Territorial Jurisdiction line and the apparent Travis County Line,  
4 the following three (3) courses and distances:

5           1) S89°34'15"E a distance of 319.29 feet to an angle  
6 point,

7           2) N13°12'51"E a distance of 581.96 feet to an angle  
8 point, and

9           3) N06°47'45"E a distance of 425.37 feet to an angle  
10 point at the intersection of said apparent common Manor County  
11 Extra Territorial Jurisdiction line and said apparent Travis County  
12 Line with said apparent east right-of-way line of Giese Lane and  
13 said west line of the 315.26-acre tract;

14           THENCE with said apparent east right-of-way line of Giese  
15 Lane and said west line of the 315.26-acre tract, N26°52'58"E a  
16 distance of 1,166.16 feet to the west corner of that called  
17 286.05-acre tract described to Sharon Dusek Wertz as recorded in  
18 Volume 11258, Page 38 R.P.R.T.C.T., same being the north corner of  
19 said 315.26-acre tract and the north corner of the tract described  
20 herein;

21           THENCE with the south line of said 286.05-acre tract, same  
22 being the north line of said 315.26-acre tract, S63°12'58"E a  
23 distance of 3,177.15 feet to the south corner of said 286.05-acre  
24 tract, same being the west corner of that called 50.349-acre tract  
25 described to Robert Alvarez as recorded in Document Number  
26 2001200295 O.P.R.T.C.T.;

27           THENCE with the south line of said 50.349-acre tract,

1 continuing with said north line of the 315.26-acre tract, the  
2 following two (2) courses and distances:

3           1) S64°27'40"E a distance of 128.51 feet to an angle  
4 point, and

5           2) S63°20'13"E a distance of 972.11 feet to the north  
6 corner of that apparent 20.00-acre tract to Johnny Wilkins Jr. &  
7 Virginia C. Wilkins, no record information found;

8           THENCE with the west line of said 20.00-acre tract, with the  
9 west line of that called 5.00-acre tract described to Johnny  
10 Wilkins Jr. and wife, Virginia Cox Wilkins as recorded in Volume  
11 6501, Page 42 R.P.R.T.C.T., continuing with said north line of the  
12 315.26-acre tract, S26°39'06"W a distance of 800.88 feet to the west  
13 corner of said 5.00-acre tract;

14           THENCE with the south line of said 5.00-acre tract, with the  
15 south line of said 9.35-acre tract, continuing with said north line  
16 of the 315.26-acre tract, S63°20'40"E a distance of 2,096.59 feet to  
17 said POINT OF BEGINNING of the tract described herein, and  
18 containing 448.8 Acres [19,551,571 Square Feet].

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

26           (b) The governor, one of the required recipients, has  
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed  
3 its recommendations relating to this Act with the governor, the  
4 lieutenant governor, and the speaker of the house of  
5 representatives within the required time.

6 (d) All requirements of the constitution and laws of this  
7 state and the rules and procedures of the legislature with respect  
8 to the notice, introduction, and passage of this Act are fulfilled  
9 and accomplished.

10 SECTION 4. (a) If this Act does not receive a two-thirds  
11 vote of all the members elected to each house, Subchapter C, Chapter  
12 8038, Special District Local Laws Code, as added by Section 1 of  
13 this Act, is amended by adding Section 8038.0306 to read as follows:

14 Sec. 8038.0306. NO EMINENT DOMAIN POWER. The district may  
15 not exercise the power of eminent domain.

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

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