

1-1 By: Watson S.B. No. 592
 1-2 (In the Senate - Filed February 1, 2019; February 21, 2019,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 15, 2019, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; April 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Schwertner	X			
1-9 Alvarado	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Menéndez			X	
1-13 Nichols	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Brickston Municipal Utility
 1-18 District; granting a limited power of eminent domain; providing
 1-19 authority to issue bonds; providing authority to impose
 1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 8038 to read as follows:

1-24 CHAPTER 8038. BRICKSTON MUNICIPAL UTILITY DISTRICT
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8038.0101. DEFINITIONS. In this chapter:

- 1-27 (1) "Board" means the district's board of directors.
- 1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.
- 1-30 (3) "Director" means a board member.
- 1-31 (4) "District" means the Brickston Municipal Utility
 1-32 District.

1-33 Sec. 8038.0102. NATURE OF DISTRICT. The district is a
 1-34 municipal utility district created under Section 59, Article XVI,
 1-35 Texas Constitution.

1-36 Sec. 8038.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-37 REQUIRED. The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8038.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section
 1-42 8038.0103 until each municipality in whose corporate limits or
 1-43 extraterritorial jurisdiction the district is located has
 1-44 consented by ordinance or resolution to the creation of the
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 8038.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-47 (a) The district is created to serve a public purpose and benefit.

- 1-48 (b) The district is created to accomplish the purposes of:
- 1-49 (1) a municipal utility district as provided by
 1-50 general law and Section 59, Article XVI, Texas Constitution; and
- 1-51 (2) Section 52, Article III, Texas Constitution, that
 1-52 relate to the construction, acquisition, improvement, operation,
 1-53 or maintenance of macadamized, graveled, or paved roads, or
 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8038.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-56 district is initially composed of the territory described by
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
 1-59 the Act enacting this chapter form a closure. A mistake made in the
 1-60 field notes or in copying the field notes in the legislative process
 1-61 does not affect the district's:

2-1 (1) organization, existence, or validity;
 2-2 (2) right to issue any type of bond for the purposes
 2-3 for which the district is created or to pay the principal of and
 2-4 interest on a bond;

2-5 (3) right to impose a tax; or

2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8038.0201. GOVERNING BODY; TERMS. (a) The district
 2-9 is governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8038.0202, directors
 2-11 serve staggered four-year terms.

2-12 Sec. 8038.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-13 effective date of the Act enacting this chapter, the owner or owners
 2-14 of a majority of the assessed value of the real property in the
 2-15 district may submit a petition to the commission requesting that
 2-16 the commission appoint as temporary directors the five persons
 2-17 named in the petition. The commission shall appoint as temporary
 2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under
 2-21 Section 8038.0103; or

2-22 (2) the fourth anniversary of the effective date of
 2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under
 2-25 Section 8038.0103 and the terms of the temporary directors have
 2-26 expired, successor temporary directors shall be appointed or
 2-27 reappointed as provided by Subsection (d) to serve terms that
 2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under
 2-30 Section 8038.0103; or

2-31 (2) the fourth anniversary of the date of the
 2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a
 2-34 majority of the assessed value of the real property in the district
 2-35 may submit a petition to the commission requesting that the
 2-36 commission appoint as successor temporary directors the five
 2-37 persons named in the petition. The commission shall appoint as
 2-38 successor temporary directors the five persons named in the
 2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8038.0301. GENERAL POWERS AND DUTIES. The district
 2-42 has the powers and duties necessary to accomplish the purposes for
 2-43 which the district is created.

2-44 Sec. 8038.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-45 DUTIES. The district has the powers and duties provided by the
 2-46 general law of this state, including Chapters 49 and 54, Water Code,
 2-47 applicable to municipal utility districts created under Section 59,
 2-48 Article XVI, Texas Constitution.

2-49 Sec. 8038.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-50 52, Article III, Texas Constitution, the district may design,
 2-51 acquire, construct, finance, issue bonds for, improve, operate,
 2-52 maintain, and convey to this state, a county, or a municipality for
 2-53 operation and maintenance macadamized, graveled, or paved roads, or
 2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8038.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-56 road project must meet all applicable construction standards,
 2-57 zoning and subdivision requirements, and regulations of each
 2-58 municipality in whose corporate limits or extraterritorial
 2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits
 2-61 or extraterritorial jurisdiction of a municipality, the road
 2-62 project must meet all applicable construction standards,
 2-63 subdivision requirements, and regulations of each county in which
 2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the
 2-66 Texas Transportation Commission must approve the plans and
 2-67 specifications of the road project.

2-68 Sec. 8038.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

3-1 applicable requirements of any ordinance or resolution that is
3-2 adopted under Section 54.016 or 54.0165, Water Code, and that
3-3 consents to the creation of the district or to the inclusion of land
3-4 in the district.

3-5 Sec. 8038.0306. REQUIREMENT FOR AFFORDABLE HOUSING.

3-6 (a) Not less than 7.5 percent of the multifamily residential units
3-7 developed on the real property in the district must be deed
3-8 restricted for rent to individuals or families with incomes at or
3-9 below 30 percent of the area median family income at an annual rent
3-10 not to exceed 30 percent of the income of the individual or family
3-11 renting the unit.

3-12 (b) Not less than 7.5 percent of the multifamily residential
3-13 units developed on the real property in the district must be deed
3-14 restricted for rent to individuals or families with incomes at or
3-15 below 50 percent of the area median family income at an annual rent
3-16 not to exceed 30 percent of the income of the individual or family
3-17 renting the unit.

3-18 (c) Multifamily residential units reserved for rent to
3-19 certain individuals and families under this section must be
3-20 reserved in the same proportion of the type and size of multifamily
3-21 residential units that are offered in the residential development
3-22 as a whole.

3-23 Sec. 8038.0307. CONSISTENCY WITH STATE WATER PLAN. An
3-24 action taken by the district may not be inconsistent with the
3-25 objectives of the most recently adopted state water plan.

3-26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-27 Sec. 8038.0401. ELECTIONS REGARDING TAXES OR BONDS.

3-28 (a) The district may issue, without an election, bonds and other
3-29 obligations secured by:

3-30 (1) revenue other than ad valorem taxes; or

3-31 (2) contract payments described by Section 8038.0403.

3-32 (b) The district must hold an election in the manner
3-33 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-34 before the district may impose an ad valorem tax or issue bonds
3-35 payable from ad valorem taxes.

3-36 (c) The district may not issue bonds payable from ad valorem
3-37 taxes to finance a road project unless the issuance is approved by a
3-38 vote of a two-thirds majority of the district voters voting at an
3-39 election held for that purpose.

3-40 Sec. 8038.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-41 authorized at an election held under Section 8038.0401, the
3-42 district may impose an operation and maintenance tax on taxable
3-43 property in the district in accordance with Section 49.107, Water
3-44 Code.

3-45 (b) The board shall determine the tax rate. The rate may not
3-46 exceed the rate approved at the election.

3-47 Sec. 8038.0403. CONTRACT TAXES. (a) In accordance with
3-48 Section 49.108, Water Code, the district may impose a tax other than
3-49 an operation and maintenance tax and use the revenue derived from
3-50 the tax to make payments under a contract after the provisions of
3-51 the contract have been approved by a majority of the district voters
3-52 voting at an election held for that purpose.

3-53 (b) A contract approved by the district voters may contain a
3-54 provision stating that the contract may be modified or amended by
3-55 the board without further voter approval.

3-56 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-57 Sec. 8038.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-58 OBLIGATIONS. The district may issue bonds or other obligations
3-59 payable wholly or partly from ad valorem taxes, impact fees,
3-60 revenue, contract payments, grants, or other district money, or any
3-61 combination of those sources, to pay for any authorized district
3-62 purpose.

3-63 Sec. 8038.0502. TAXES FOR BONDS. At the time the district
3-64 issues bonds payable wholly or partly from ad valorem taxes, the
3-65 board shall provide for the annual imposition of a continuing
3-66 direct ad valorem tax, without limit as to rate or amount, while all
3-67 or part of the bonds are outstanding as required and in the manner
3-68 provided by Sections 54.601 and 54.602, Water Code.

3-69 Sec. 8038.0503. BONDS FOR ROAD PROJECTS. At the time of

4-1 issuance, the total principal amount of bonds or other obligations
 4-2 issued or incurred to finance road projects and payable from ad
 4-3 valorem taxes may not exceed one-fourth of the assessed value of the
 4-4 real property in the district.

4-5 SECTION 2. The Brickston Municipal Utility District
 4-6 initially includes all the territory contained in the following
 4-7 area:

4-8 BEING A 448.8-ACRE [19,551,571 SQUARE FEET] MUD TRACT OUT OF
 4-9 THE WILLIAM HINES SURVEY NUMBER 53, ABSTRACT NUMBER 346, TRAVIS
 4-10 COUNTY, TEXAS, SAID TRACT BEING ALL OF THAT CALLED 127.535-ACRE
 4-11 TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC., AS RECORDED IN
 4-12 DOCUMENT NUMBER 2008035687 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
 4-13 COUNTY, TEXAS [O.P.R.T.C.T.], AND A PORTION OF THAT CALLED
 4-14 315.26-ACRE TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC. AS
 4-15 RECORDED IN DOCUMENT NUMBER 2008035688 O.P.R.T.C.T. SAID TRACT
 4-16 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4-17 BEGINNING at a 5/8-inch iron rod found in the west line of
 4-18 that called 29.556-acre tract described to Centex Land, LTD. as
 4-19 recorded in Document Number 1999124374 O.P.R.T.C.T. for the south
 4-20 corner of that called 9.35-acre tract described to Johnny Wilkins,
 4-21 Jr. and wife, Virginia C. Wilkins as recorded in Volume 12363, Page
 4-22 2230 of the Real Property Records of Travis County, Texas
 4-23 [R.P.R.T.C.T.], same being the east corner of said 315.26-acre
 4-24 tract and the east corner of the tract described herein;

4-25 THENCE with said west line of the 29.556-acre tract, same
 4-26 being the east line of said 315.26-acre tract, S26°55'05"W a
 4-27 distance of 926.58 feet to a 1/2-inch iron rod found for the east
 4-28 corner of that called 5.00-acre tract described to Amos Whit Parker
 4-29 and Wife, Mary Catherine Parker as recorded in Volume 12714, Page
 4-30 2046 R.P.R.T.C.T.;

4-31 THENCE with the north line of said 5.00-acre tract,
 4-32 continuing with said east line of the 315.26-acre tract, N63°18'57"W
 4-33 a distance of 796.21 feet to a 1/2-inch iron rod found for the north
 4-34 corner of said 5.00-acre tract;

4-35 THENCE with the west line of said 5.00-acre tract, continuing
 4-36 with said east line of the 315.26-acre tract, S26°40'58"W a distance
 4-37 of 273.21 feet to the west corner of said 5.00-acre tract, same
 4-38 being the north corner of that called 10.57-acre tract described to
 4-39 David S. Rose and Kristen R. Carter, as recorded in Volume 12854,
 4-40 Page 2132 R.P.R.T.C.T.;

4-41 THENCE with the west line of said 10.57-acre tract,
 4-42 continuing with said east line of the 315.26-acre tract, S26°59'51"W
 4-43 a distance of 578.62 feet to a point in the north line of that called
 4-44 175.81-acre tract described to Centex Land, Ltd as recorded in
 4-45 Volume 13299, Page 2327 R.P.R.T.C.T. for the west corner of said
 4-46 10.57-acre tract;

4-47 THENCE with said north line of the 175.81-acre tract,
 4-48 continuing with said east line of the 315.26-acre tract, the
 4-49 following five (5) courses and distances:

4-50 1) N63°35'01"W a distance of 41.42 feet to an angle
 4-51 point,

4-52 2) N61°56'37"W a distance of 120.25 feet to an angle
 4-53 point,

4-54 3) N62°39'21"W a distance of 572.60 feet to a 1/2-inch
 4-55 iron rod found for an angle point,

4-56 4) N62°32'09"W a distance of 228.42 feet to a 3/8-inch
 4-57 iron rod found for an angle point,

4-58 5) N62°48'14"W a distance of 1,444.80 feet to an angle
 4-59 point for the north corner of said 175.81-acre tract;

4-60 THENCE with the west line of said 175.81-acre tract, same
 4-61 being the south line of said 315.26-acre tract, S27°07'44"W a
 4-62 distance of 76.16 feet to an angle point for the east corner of said
 4-63 127.535-acre tract;

4-64 THENCE continuing with said west line of the 175.81-acre
 4-65 tract, same being the east line of said 127.535-acre tract, the
 4-66 following two (2) courses and distances:

4-67 1) S27°32'56"W a distance of 1,770.97 feet to an angle
 4-68 point for the south corner of said 127.535-acre tract, and

4-69 2) N61°57'33"W a distance of 395.35 feet to an angle

5-1 point in the east line of that called 202.522-acre tract described
 5-2 to Robert E. Lundgren & Kathryn E. Lundgren as recorded in Volume
 5-3 11133, Page 517 R.P.R.T.C.T.;

5-4 THENCE with the east line of said 202.522-acre tract, same
 5-5 being the south line of said 127.535-acre tract, N28°06'22"E a
 5-6 distance of 20.48 feet to an angle point for the east corner of said
 5-7 202.522-acre tract;

5-8 THENCE with the north line of said 202.522-acre tract,
 5-9 continuing with said south line of the 127.535-acre tract,
 5-10 N63°06'01"W a distance of 2,773.48 feet to a point in the east line
 5-11 of that called 84.987-acre tract described to Ruth Ann Lofton
 5-12 Kylberg as recorded in Volume 6863, Page 1580 of the Deed Records of
 5-13 Travis County, Texas, for the west corner of said 127.535-acre tract
 5-14 and the west corner of the tract described herein;

5-15 THENCE with said east line of the 84.987-acre tract, same
 5-16 being the west line of said 127.535-acre tract, N27°08'30"E a
 5-17 distance of 797.97 feet to 1/2-inch iron rod found for the apparent
 5-18 southerly terminus of Giese Lane, a varying-width right-of-way, no
 5-19 record information found;

5-20 THENCE with the apparent east right-of-way line of Giese
 5-21 Lane, continuing with the west line of said 127.535-acre tract, the
 5-22 following two (2) courses and distances:

5-23 1) N51°48'59"E a distance of 48.16 feet to an angle
 5-24 point, and

5-25 2) N26°22'12"E a distance of 900.92 feet to a 3/4-inch
 5-26 iron rod found for the north corner of said 127.535-acre tract;

5-27 THENCE continuing with the apparent east right-of-way line of
 5-28 Giese Lane, with the west line of said 315.26-acre tract, the
 5-29 following two (2) courses and distances:

5-30 1) N26°32'58"E a distance of 281.93 feet to an angle
 5-31 point, and

5-32 2) N26°37'58"E a distance of 64.47 feet to an angle
 5-33 point at the intersection of the apparent common Manor County Extra
 5-34 Territorial Jurisdiction line and the apparent Travis County Line
 5-35 with said apparent east right-of-way line of Giese Lane and said
 5-36 west line of the 315.26-acre tract;

5-37 THENCE leaving said apparent east right-of-way line of Giese
 5-38 Lane and said west line of the 315.26-acre tract, crossing said
 5-39 315.26-acre tract, with the apparent common Manor County Extra
 5-40 Territorial Jurisdiction line and the apparent Travis County Line,
 5-41 the following three (3) courses and distances:

5-42 1) S89°34'15"E a distance of 319.29 feet to an angle
 5-43 point,

5-44 2) N13°12'51"E a distance of 581.96 feet to an angle
 5-45 point, and

5-46 3) N06°47'45"E a distance of 425.37 feet to an angle
 5-47 point at the intersection of said apparent common Manor County
 5-48 Extra Territorial Jurisdiction line and said apparent Travis County
 5-49 Line with said apparent east right-of-way line of Giese Lane and
 5-50 said west line of the 315.26-acre tract;

5-51 THENCE with said apparent east right-of-way line of Giese
 5-52 Lane and said west line of the 315.26-acre tract, N26°52'58"E a
 5-53 distance of 1,166.16 feet to the west corner of that called
 5-54 286.05-acre tract described to Sharon Dusek Wertz as recorded in
 5-55 Volume 11258, Page 38 R.P.R.T.C.T., same being the north corner of
 5-56 said 315.26-acre tract and the north corner of the tract described
 5-57 herein;

5-58 THENCE with the south line of said 286.05-acre tract, same
 5-59 being the north line of said 315.26-acre tract, S63°12'58"E a
 5-60 distance of 3,177.15 feet to the south corner of said 286.05-acre
 5-61 tract, same being the west corner of that called 50.349-acre tract
 5-62 described to Robert Alvarez as recorded in Document Number
 5-63 2001200295 O.P.R.T.C.T.;

5-64 THENCE with the south line of said 50.349-acre tract,
 5-65 continuing with said north line of the 315.26-acre tract, the
 5-66 following two (2) courses and distances:

5-67 1) S64°27'40"E a distance of 128.51 feet to an angle
 5-68 point, and

5-69 2) S63°20'13"E a distance of 972.11 feet to the north

6-1 corner of that apparent 20.00-acre tract to Johnny Wilkins Jr. &
6-2 Virginia C. Wilkins, no record information found;

6-3 THENCE with the west line of said 20.00-acre tract, with the
6-4 west line of that called 5.00-acre tract described to Johnny
6-5 Wilkins Jr. and wife, Virginia Cox Wilkins as recorded in Volume
6-6 6501, Page 42 R.P.R.T.C.T., continuing with said north line of the
6-7 315.26-acre tract, S26°39'06"W a distance of 800.88 feet to the west
6-8 corner of said 5.00-acre tract;

6-9 THENCE with the south line of said 5.00-acre tract, with the
6-10 south line of said 9.35-acre tract, continuing with said north line
6-11 of the 315.26-acre tract, S63°20'40"E a distance of 2,096.59 feet to
6-12 said POINT OF BEGINNING of the tract described herein, and
6-13 containing 448.8 Acres [19,551,571 Square Feet].

6-14 SECTION 3. (a) The legal notice of the intention to
6-15 introduce this Act, setting forth the general substance of this
6-16 Act, has been published as provided by law, and the notice and a
6-17 copy of this Act have been furnished to all persons, agencies,
6-18 officials, or entities to which they are required to be furnished
6-19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-20 Government Code.

6-21 (b) The governor, one of the required recipients, has
6-22 submitted the notice and Act to the Texas Commission on
6-23 Environmental Quality.

6-24 (c) The Texas Commission on Environmental Quality has filed
6-25 its recommendations relating to this Act with the governor, the
6-26 lieutenant governor, and the speaker of the house of
6-27 representatives within the required time.

6-28 (d) All requirements of the constitution and laws of this
6-29 state and the rules and procedures of the legislature with respect
6-30 to the notice, introduction, and passage of this Act are fulfilled
6-31 and accomplished.

6-32 SECTION 4. (a) If this Act does not receive a two-thirds
6-33 vote of all the members elected to each house, Subchapter C, Chapter
6-34 8038, Special District Local Laws Code, as added by Section 1 of
6-35 this Act, is amended by adding Section 8038.0308 to read as follows:

6-36 Sec. 8038.0308. NO EMINENT DOMAIN POWER. The district may
6-37 not exercise the power of eminent domain.

6-38 (b) This section is not intended to be an expression of a
6-39 legislative interpretation of the requirements of Section 17(c),
6-40 Article I, Texas Constitution.

6-41 SECTION 5. This Act takes effect immediately if it receives
6-42 a vote of two-thirds of all the members elected to each house, as
6-43 provided by Section 39, Article III, Texas Constitution. If this
6-44 Act does not receive the vote necessary for immediate effect, this
6-45 Act takes effect September 1, 2019.

6-46 * * * * *