

By: Kolkhorst

S.B. No. 2533

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Fort Bend County Municipal Utility  
3 District No. 242; granting a limited power of eminent domain;  
4 providing 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 7900 to read as follows:

9 CHAPTER 7900. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 242

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7900.0101. 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 Fort Bend County Municipal  
17 Utility District No. 242.

18 Sec. 7900.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7900.0103. 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. 7900.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7900.0103 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. 7900.0105. 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. 7900.0106. 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. 7900.0201. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7900.0202, directors  
6 serve staggered four-year terms.

7           Sec. 7900.0202. 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 7900.0103; 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 7900.0103 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 7900.0103; 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. 7900.0301. 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. 7900.0302. 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. 7900.0303. 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. 7900.0304. 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. 7900.0305. 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               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 7900.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
17 The district may issue, without an election, bonds and other  
18 obligations secured by:

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

20               (2) contract payments described by Section 7900.0403.

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

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

1 election held for that purpose.

2 Sec. 7900.0402. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 7900.0401, the  
4 district may impose an operation and maintenance tax on taxable  
5 property in the district in accordance with Section 49.107, Water  
6 Code.

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

9 Sec. 7900.0403. CONTRACT TAXES. (a) In accordance with  
10 Section 49.108, Water Code, the district may impose a tax other than  
11 an operation and maintenance tax and use the revenue derived from  
12 the tax to make payments under a contract after the provisions of  
13 the contract have been approved by a majority of the district voters  
14 voting at an election held for that purpose.

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

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 7900.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
20 OBLIGATIONS. The district may issue bonds or other obligations  
21 payable wholly or partly from ad valorem taxes, impact fees,  
22 revenue, contract payments, grants, or other district money, or any  
23 combination of those sources, to pay for any authorized district  
24 purpose.

25 Sec. 7900.0502. TAXES FOR BONDS. At the time the district  
26 issues bonds payable wholly or partly from ad valorem taxes, the  
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all  
2 or part of the bonds are outstanding as required and in the manner  
3 provided by Sections 54.601 and 54.602, Water Code.

4 Sec. 7900.0503. BONDS FOR ROAD PROJECTS. At the time of  
5 issuance, the total principal amount of bonds or other obligations  
6 issued or incurred to finance road projects and payable from ad  
7 valorem taxes may not exceed one-fourth of the assessed value of the  
8 real property in the district.

9 SECTION 2. The Fort Bend County Municipal Utility District  
10 No. 242 initially includes all the territory contained in the  
11 following area:

12 FIELD NOTES of a 237.293 acre tract of land situated in the  
13 H.&T.C. RR. Co. Survey, Block 28, Sec. 28, Abstract No. 465, and the  
14 H.&T.C. RR. Co. Survey, Block 28, Sec. 28, Abstract No. 723 Fort  
15 Bend County, Texas; said 237.293 acre tract of land being all of a  
16 called 237.293 acre tract as conveyed to Fairchild Creek Estates,  
17 LP recorded under Fort Bend County Clerk's File Number (F.B.C.C.F.  
18 No.) 2000063356; said 237.293 acre tract of land being more  
19 particularly described by metes and bounds as follows:

20 NOTE: All bearings are based upon Land Title Survey produced  
21 by Kelly R Kaluza and Associates, Inc. signed by C. Tim Griffith  
22 (RPLS No. 4349) dated September 8, 2005.

23 BEGINNING at a point in the centerline of Jeske Road (having a  
24 width of 60 feet) and being the most easterly southeast corner of  
25 the said called 237.293 acre tract and the herein described tract;

26 THENCE S 45°04'49" W, departing the centerline of said Jeske  
27 Road and along the south easterly line of said 237.293 acre tract

1 and the herein described tract, passing at a distance of 30.00 feet  
2 the southwesterly Right-Of-Way (R.O.W.) line of said Jeske Road,  
3 continuing a total distance of 2,644.40 feet, to the most southerly  
4 corner of said 237.293 acre tract and the herein described tract;

5       THENCE N 44°55'11" W, along the southwesterly line of said  
6 237.293 acre tract, a distance of 3,970.38 feet, to the northwest  
7 corner of said 237.293 acre tract and the herein described tract;

8       THENCE N 44°38'41" E, along the northwesterly line of said  
9 237.293 acre tract and the herein described tract, passing at a  
10 distance of 2,608.89 feet the southwesterly R.O.W. line of said  
11 Jeske Road, continuing a total distance of 2,638.89 feet, to the  
12 centerline of said Jeske Road and the most northerly corner of said  
13 called 237.293 acre tract and the herein described tract;

14       THENCE along the east line of said 237.293 acre tract the  
15 following nine (9) courses and distances:

16       S 45°00'00" E, a distance of 1,135.64 feet, to an angle in the  
17 east line of the herein described tract;

18       S 45°00'00" W, a distance of 465.60 feet, to an angle in the  
19 east line of the herein described tract;

20       S 45°00'00" E, a distance of 200.00 feet, to an angle in the  
21 east line of the herein described tract;

22       N 45°00'00" E, a distance of 465.60 feet, to an angle in the  
23 east line of the herein described tract;

24       S 45°00'00" E, a distance of 1,022.48 feet, to an angle in the  
25 east line of the herein described tract;

26       S 44°30'00" W, a distance of 297.93 feet, to an angle in the  
27 east line of the herein described tract;



1 S 45°00'00" E, a distance of 285.64 feet, to an angle in the  
2 east line of the herein described tract;

3 N 44°30'00" E, a distance of 297.93 feet, to an angle in the  
4 east line of the herein described tract;

5 THENCE S 45°00'00" E, a distance of 1,346.68 feet, to the  
6 PLACE OF BEGINNING; containing within said boundaries a calculated  
7 area of 237.293 acres of land.

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

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

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

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

26 SECTION 4. (a) If this Act does not receive a two-thirds  
27 vote of all the members elected to each house, Subchapter C, Chapter

1 7900, Special District Local Laws Code, as added by Section 1 of  
2 this Act, is amended by adding Section 7900.0306 to read as follows:

3 Sec. 7900.0306. NO EMINENT DOMAIN POWER. The district may  
4 not exercise the power of eminent domain.

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

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