By:  Buckingham S.B. No. 2193

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Matthews Ranch Water Control and Improvement District No. 1 of Blanco 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9091 to read as follows:

CHAPTER 9091.  MATTHEWS RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF BLANCO COUNTY

SUBCHAPTER A.  GENERAL PROVISIONS

Sec. 9091.0101.  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 Matthews Ranch Water Control and Improvement District No. 1 of Blanco County.

Sec. 9091.0102.  NATURE OF DISTRICT. The district is a water control and improvement district created under Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 9091.0103.  CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 9091.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9091.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 9091.0105.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b)  The district is created to accomplish the purposes of:

(1)  a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2)  Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 9091.0106.  INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1)  organization, existence, or validity;

(2)  right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3)  right to impose a tax; or

(4)  legality or operation.

SUBCHAPTER B.  BOARD OF DIRECTORS

Sec. 9091.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 9091.0202, directors serve staggered four-year terms.

Sec. 9091.0202.  TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 9091.0103; or

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

(c)  If permanent directors have not been elected under Section 9091.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected under Section 9091.0103; or

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

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

SUBCHAPTER C.  POWERS AND DUTIES

Sec. 9091.0301.  GENERAL POWERS AND DUTIES. (a) The district has the powers and duties necessary to accomplish the purposes for which the district is created.

(b)  The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9091.0302.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, and if approved at an election held under Section 53.029(c), Water Code, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads inside or outside the district.

Sec. 9091.0303.  ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 9091.0304.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 42.042 or 42.0425, Local Government Code, and consents to the creation of the district or to the inclusion of land in the district.

Sec. 9091.0305.  DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1)  has no outstanding bonded debt; and

(2)  is not imposing ad valorem taxes.

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

(c)  Any new district created by the division of the district may, at the time the new district is created, contain only land within the area described by Section 2 of the Act enacting this chapter.

(d)  The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e)  The board may adopt an order dividing the district before or after the date the board holds an election under Section 9091.0103 to elect the district's permanent directors.

(f)  An order dividing the district must:

(1)  name each new district;

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

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

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

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

(h)  Any new district created by the division of the district shall hold a permanent directors' election as required by Section 9091.0103.

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

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

(k)  Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 9091.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

Sec. 9091.0306.  AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. The district may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

Sec. 9091.0307.  PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the defined area or designated property, the board shall hold an election in the defined area or in the designated property only.

(b)  The board may submit the issues to the voters on the same ballot to be used in another election.

Sec. 9091.0308.  DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at the election approve the proposition or propositions, the board shall declare the results and, by order, shall establish the defined area and describe it by metes and bounds or designate the specific property.

(b)  A court may not review the board's order except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Sec. 9091.0309.  TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and adoption of the order described by Section 9091.0308, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area or designated property to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area or designated property.

Sec. 9091.0310.  ISSUANCE OF BONDS FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section 9091.0308 is adopted, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area or designated property.

SUBCHAPTER D.  GENERAL FINANCIAL PROVISIONS

Sec. 9091.0401.  ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1)  revenue other than ad valorem taxes; or

(2)  contract payments described by Section 9091.0403.

(b)  The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 9091.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9091.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 9091.0403.  CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E.  BONDS AND OTHER OBLIGATIONS

Sec. 9091.0501.  AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 9091.0502.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Chapter 51, Water Code.

Sec. 9091.0503.  BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2.  The Matthews Ranch Water Control and Improvement District No. 1 of Blanco County initially includes all the territory contained in the following area:

Being all of that certain 745.87 acre tract of land described in Volume 171, Page 912 et seq. of the Official Public Records of said County and all of that certain 55.82 acre tract of land described in Volume 173, Page 242 et seq. of the said Official Public Records; said 801.73 acre tract being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found at the base of a fence post at the northerly northeast corner of the said 745.87 acre tract, being on the south line of that certain 881.7 acre tract described in Volume 62, Page 434 et seq. of the Deed Records of said County and being at the northwest corner of that certain tract described in Volume 98, Page 604 et seq. of the said Deed Records, for the northerly northeast corner hereof;

THENCE with the north line of the said 745.87 acre tract, S 88° 38' 58" W, a distance of 3390.70 feet along a fence line to a 3/8 inch iron rod found at the base of a fence post at the northwest corner thereof, being at the southwest corner of the said 881.7 acre tract and being on the east line of that certain 990.36 acre tract described in Volume 71, Page 308 et seq. of the said Deed Records, for the northerly northwest corner hereof;

THENCE with the westerly line of the said 745.87 acre tract, as fenced, the following four (4) courses:

1.  S 00° 40' 25" E, a distance of 1881.93 feet to a 3/8 inch iron rod found at the base of a fence post at the southeast corner of the said 990.36 acre tract,

2.  S 88° 01' 06" W, a distance of 452.73 feet to a 3/8 inch iron rod found at the base of a fence post at the northeast corner of that certain 1332.28 acre tract described in Volume 169, Page 746 et seq. of the Official Public Records of said County,

3.  S 01° 08' 57" E, a distance of 4321.19 feet to a 3/8 inch iron rod found at the base of a fence post at the westerly southwest corner of the said 745.87 acre tract, being at the northwest corner of the said 55.82 acre tract, and

4.  S 01° 07' 44" E, a distance of 1491.94 feet to a 3/8 inch iron rod found at the southwest corner of the said 55.82 acre tract, being at the northwest corner of that certain 86.67 acre tract described in Volume 173, Page 245 et seq. of the said Official Public Records, for the southwest corner hereof;

THENCE with the south line of the said 55.82 acre tract and north line of the said 86.67 acre tract, S 88° 06' 16" E, a distance of 2400.94 feet to a 5/8 inch iron rod found at the southwest corner of the said 55.82 acre tract and northeast corner of the said 86.67 acre tract, being at a southerly southwest corner of the said 745.87 acre tract and at a westerly corner of that certain 153.233 acre tract described in Volume 108, Page 40 et seq. of the Deed Records of said County, for a southerly corner hereof;

THENCE with the southerly line of the said 745.87acre tract, as fenced, the following four (4) courses:

1.  N 46° 34' 07" E, a distance of 690.01 feet to a 4-1/2 inch iron pipe found,

2.  S 47° 25' 43" E, a distance of 2755.11 feet to a 5/8 inch iron rod found at the base of a fence post,

3.  N 88° 58' 06" E, a distance of 146.36 feet to a 5/8 inch iron rod found at the base of a fence post at the northeast corner of the said 153.233 acre tract and northwest corner of that certain 186.0 acre tract described in Volume 84, Page 296 et seq. of the said Deed Records, and

4.  N 88° 40' 10" E, a distance of 26.28 feet to a 60d nail found on the centerline of Blanco County Road 202 at the southeast corner of the said 745.87 acre tract, being at the southwest corner of that certain 82.18 acre tract described in said Volume 171, Page 912 et seq., for the southeast corner hereof;

THENCE with the lower east line of the said 745.87 acre tract and said centerline of Blanco County Road 202, the following two (2) courses:

1.  N 12° 42' 36" E, a distance of 62.29 feet to a PK nail set, and

2.  N 50° 44' 45" E, a distance of 74.44 feet to a PK nail set at a southeasterly corner of the said 745.87 acre tract, being on the southerly line of that certain 89.95 acre tract described in Volume 174, Page 912 et seq. of the said Official Public Records, for a southeasterly corner hereof;

THENCE departing from the said centerline of Blanco County Road 202 with the lower east line of the said 745.87 acre tract, the following four (4) courses:

1.  N 40° 26' 05" W, a distance of 48.85 feet to a 2-7/8 inch iron pipe found,

2.  N 90° 00' 00" W, a distance of 136.99 feet to a 2-7/8 inch iron pipe found,

3.  N 26° 54' 46" E, a distance of 2779.27 feet to a 3/8 inch iron rod set, and

4.  N 10° 38' 07" E, a distance of 316.20 feet to an 8 inch diameter Cedar post found at the most easterly northeast corner of the said 745.87 acre tract, being at the southwest corner of that certain 153.94 acre tract described in Volume 149, Page 679 et seq. of the said Deed Records and being at the southeast corner of that certain tract described in Volume 141, Page 52 et seq. of the said Deed Records, for the most easterly northeast corner hereof;

THENCE with an easterly north line of the said 745.87 acre tract, S 89° 03' 35" W, a distance of 1520.80 feet along a fence line to a 2-7/8 inch diameter iron pipe fence post found at a reentrant corner thereof, being at a southwest corner of the said tract in Volume 141, Page 52 et seq., for a reentrant corner hereof;

THENCE with a lower east line of the said 745.87 acre tract, N 01° 10' 48" E, a distance of 1222.95 feet along a fence line to a 2-7/8 inch iron pipe fence post found at a northeast corner thereof, being a reentrant corner of the said tract in Volume 141, Page 52 et seq., for a northeast corner hereof;

THENCE with a lower north line of the said 745.87 acre tract, N 89° 44' 58" W, a distance of 1054.68 feet along a fence line to a 3/8 inch iron rod found at the base of a fence post at a reentrant corner thereof, being at the westerly southwest corner of the said tract in Volume 141, Page 52 et seq., for a reentrant corner hereof;

THENCE with the upper east line of the said 745.87 acre tract, as fenced, the following two (2) courses:

1.  N 01° 33' 44" W, a distance of 2185.92 feet to a 10 inch diameter Cedar post found at the northwest corner of the said tract in Volume 141, Page 52 et seq., being at the southwest corner of the said tract described in Volume 98, Page 604 et seq., and

2.  N 00° 08' 53" W, a distance of 2933.48 feet to the POINT OF BEGINNING, containing 801.73 acres of land, more or less.

BEGINNING at a 5/8 inch iron rod found at the northeast corner of the said 86.67 acre tract, being at a southerly corner of that certain 745.87 acre tract described in Volume 171, Page 912 et seq. of the said Official Public Records and being at a westerly corner of that certain 153.2233 acre tract described in Volume 108, Page 41 et seq. of the Deed Records of said County, for the northeast corner hereof;

THENCE with the east line of the said 86.67 acre tract, as fenced, the following nine (9) courses:

1.  S 22° 55' 39" E, a distance of 249.50 feet to a 4-1/2 inch diameter iron pipe fence post found,

2.  S 20° 09'25" E, a distance of 52.02 feet to a 4-1/2 inch diameter iron pipe fence post found,

3.  S 22° 38' 55" E, a distance of 85.81feet to a 4-1/2 inch diameter iron pipe fence post found,

4.  S 14° 18' 46" W, a distance of 170.20 feet to a 4-1/2 inch diameter iron pipe fence post found,

5.  S 16° 42' 28" W, a distance of 309.70 feet to a 5/8 inch iron rod found at a fence post,

6.  S 40° 16' 31" W, a distance of 279.85 feet to a 5/8 inch iron rod found at a fence post, and

7.  S 57° 23' 37" W, a distance of 214.03 feet to a 4-1/2 inch diameter iron pipe fence post found at the southwest corner of the said 153.233 acre tract and northeast corner of that certain 446.8 acre tract described in Volume 108, Page 40 et seq. of the said Deed Records,

8.  S 56° 50' 18" W, a distance of 1250.73 feet to a 4-1/2 inch diameter iron pipe fence post found, and

9.  S 70° 07' 05' W, a distance of 90.35 feet to a 4-1/2 inch diameter iron pipe fence post found at the southerly southeast corner of the said 86.67 acre tract, for the southerly southeast corner hereof;

THENCE with the south line of the said 86.67 acre tract, as fenced, the following two (2) courses:

1.  N 70° 46' 14" W, a distance of 288.82 feet to a 4-1/2 inch diameter iron pipe fence post found, and

2.  N 71° 25' 20" W, a distance of 651.41 feet to a 3/8 inch iron rod found at the southwest corner of the said 86.67 acre tract, for the southwest corner hereof;

THENCE with the west line of the said 86.67 acre tract, N 01° 09' 49" W, a distance of 1640.18 feet to a 3/8 inch iron rod found at the northwest corner thereof, being at the southwest corner of the said 55.82 acre tract, for the northwest corner hereof;

THENCE with the north line of the said 86.67 acre tract and south line of the said 55.82 acre tract, S 88° 06' 16" E, a distance of 2400.94 feet to the POINT OF BEGINNING, containing 86.69 acres of land, more or less.

BEGINNING at an iron pipe fence post found at the southwest corner of said Tract 3, being at a reentrant corner of that certain 745.87 acre tract described in Volume 172, Page 1 et seq. of the said Official Public Records, for the southwest corner hereof;

THENCE with the south line of said Tract 3, N 89° 23' 29" E, a distance of 1267.45 feet to a 3/8 inch iron rod set for the southerly southwest corner of a 141.98 acre tract this day surveyed and the southeast corner hereof;

THENCE departing from said south line and passing over and across said Tract 3 and Tract 2 with the general course of an existing fence line, the following twelve (12) courses:

1.  N 18° 38' 15" W, a distance of 418.56 feet to an iron pipe fence post found,

2.  N 66° 45' 42" E, a distance of 62.33 feet to an iron pipe fence post found,

3.  N 06° 41' 05" W, a distance of 128.36 feet to an iron pipe fence post found,

4.  N 87° 55' 15" W, a distance of 1001.89 feet to an iron pipe fence post found,

5.  N 01° 33' 43" E, a distance of 512.41 feet to an iron pipe fence post found,

6.  N 89° 38' 26" W, a distance of 621.05 feet to an iron pipe fence post found,

7.  N 70° 37' 36" E, a distance of 18.44 feet to an iron pipe fence post found,

8.  N 07° 01' 56" W, a distance of 822.37 feet to an iron pipe fence post found,

9.  N 76° 11' 49" W, a distance of 1181.91 feet to an iron pipe fence post found,

10.  N 06° 51' 58" E, a distance of 617.55 feet to an iron pipe fence post found,

11.  S 77° 48' 22" E, a distance of 325.37 feet to an iron pipe fence post found, and

12  N 00 ° 27' 02" W, a distance of 663.37 feet to a 60d nail found at the base of a fence post at the southwest corner of said Tract 1, being at the southeast corner of that certain 39.77 acre tract described in Volume 158, Page 510 et seq. of the said Official Public Records, for a reentrant corner of the said 222.24 acre tract and the northeast corner hereof;

THENCE with the north line of said Tract 2 and south line of the said 39.77 acre tract, S 89° 34' 42" W, a distance of 1033.67 feet along an existing fence line to a 10 inch diameter Cedar post found at the northwest corner of said Tract 2, being at the southwest corner of the said 39.77 acre tract and being on the east line of the said 745.87 acre tract, for the northwest corner hereof;

THENCE with the west line of said Tract 2 and continuing with the west line of said Tract 3, same being the east line of the said 745.87 acre tract, and generally along an existing fence line, the following three (3) courses:

1.  S 01 ° 12' 33" E, a distance of 2186.06 feet to a 1/2 inch iron rod found at the base of a fence post,

2.  S 89° 23' 36" E, a distance of 1055.19 feet to a 3/8 inch iron rod found at the base of a fence post, and

3.  S 01° 32' 33" E, a distance of 1222.74 feet to the POINT OF BEGINNING, containing 80.26 acres of land, more or less.

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

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

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

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

SECTION 4.  (a)  If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9091, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9091.0311 to read as follows:

Sec. 9091.0311.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.