

By: Wilson

H.B. No. 2235

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the 7S Ranch Municipal Utility District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; and granting the power of eminent domain.

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 XXXX to read as follows:

CHAPTER XXXX. 7S RANCH MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. XXXX.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 7S Ranch Municipal Utility District.

Sec. XXXX.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. XXXX.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. (a) 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 (b) Notwithstanding the provisions of Section 49.103, Water
2 Code, after confirmation of the district, the board may elect to
3 hold an election to elect the appropriate number of directors on the
4 uniform election date provided by Section 41.001, Election Code, in
5 either May or November of each even-numbered year.

6 Sec. XXXX.0104. CONSENT OF MUNICIPALITY REQUIRED. The
7 temporary directors may not hold an election under Section
8 XXXX.0103 until each municipality in whose corporate limits or
9 extraterritorial jurisdiction the district is located, if any, has
10 consented by ordinance or resolution to the creation of the
11 district and to the inclusion of land in the district.

12 Sec. XXXX.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

13 (a) The district is created to serve a public purpose and benefit.

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

15 (1) a municipal utility district as provided by
16 general law and Section 59, Article XVI, Texas Constitution; and

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

21 Sec. XXXX.0106. INITIAL DISTRICT TERRITORY. (a) The
22 district is initially composed of the territory described by
23 Section 2 of the Act enacting this chapter.

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

1 (1) organization, existence, or validity;

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

5 (3) right to impose a tax; or

6 (4) legality or operation.

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. XXXX.0201. GOVERNING BODY; TERMS. (a) The district is
9 governed by a board of five elected directors.

10 (b) Except as provided by Section XXXX.0202, directors
11 serve staggered four-year terms.

12 Sec. XXXX.0202. TEMPORARY DIRECTORS. (a) The temporary
13 board consists of:

14 (1) Chris Henry;

15 (2) David Hays;

16 (3) Bethany Leffingwell;

17 (4) Frank Krenek; and

18 (5) Shayne Eddleman.

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

20 (1) the date permanent directors are elected under
21 Section XXXX.0103; or

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

24 (c) If permanent directors have not been elected under
25 Section XXXX.0103 and the terms of the temporary directors have
26 expired, successor temporary directors shall be appointed or
27 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Section XXXX.0103; or

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

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

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. XXXX.0301. GENERAL POWERS AND DUTIES. The district
15 has the powers and duties necessary to accomplish the purposes for
16 which the district is created.

17 Sec. XXXX.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
18 DUTIES. The district has the powers and duties provided by the
19 general law of this state, including Chapters 49 and 54, Water Code,
20 applicable to municipal utility districts created under Section 59,
21 Article XVI, Texas Constitution.

22 Sec. XXXX.0303. AUTHORITY FOR ROAD PROJECTS. (a) Under
23 Section 52, Article III, Texas Constitution, the district may
24 design, acquire, construct, finance, issue bonds for, improve,
25 operate, maintain, and convey to this state, a county, or a
26 municipality for operation and maintenance macadamized, graveled,
27 or paved roads, or improvements, including storm drainage, in aid

1 of those roads.

2 (b) The district may exercise the powers provided by this
3 section without submitting a petition to or obtaining approval from
4 the commission as required by Section 54.234, Water Code.

5 Sec. XXXX.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
6 road project must meet all applicable construction standards,
7 zoning and subdivision requirements, and regulations of each
8 municipality in whose corporate limits or extraterritorial
9 jurisdiction the road project is located.

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

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

18 Sec. XXXX.0305. COMPLIANCE WITH MUNICIPAL CONSENT
19 ORDINANCE OR RESOLUTION. The district shall comply with all
20 applicable requirements of any ordinance or resolution, if any,
21 that is adopted under Section 54.016 or 54.0165, Water Code, and
22 that consents to the creation of the district or to the inclusion of
23 land in the district.

24 Sec. XXXX.0306. DIVISION OF DISTRICT. (a) At any time
25 after the district has been confirmed at an election under Section
26 XXXX.0103 and before the district issues indebtedness secured by
27 taxes or net revenues, the district, including any annexed

1 territory, may be divided into an original district and one or more
2 new districts.

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

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

10 (d) An order dividing the district shall:

11 (1) name each new district;

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

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

15 and

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

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

22 (f) No election shall be required to approve the division of
23 the district. No confirmation election shall be required for any
24 new district created by the division of the district.

25 (g) Any new district created by the division of the district
26 must hold an election as required by this chapter to obtain voter
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

2 (h) Municipal consent to the creation of the district and to
3 the inclusion of land in the district granted under Section
4 XXXX.0104 acts as municipal consent to the creation of any new
5 district created by the division of the district and to the
6 inclusion of land in any new district.

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. XXXX.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

9 The district may issue, without an election, bonds and other
10 obligations secured by:

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

12 (2) contract payments described by Section XXXX.0403.

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

17 Sec. XXXX.0402. OPERATION AND MAINTENANCE TAX. (a) If

18 authorized at an election held under Section XXXX.0401, the
19 district may impose an operation and maintenance tax on taxable
20 property in the district in accordance with Section 49.107, Water
21 Code.

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

24 Sec. XXXX.0403. CONTRACT TAXES. (a) In accordance with

25 Section 49.108, Water Code, the district may impose a tax other than
26 an operation and maintenance tax and use the revenue derived from
27 the tax to make payments under a contract after the provisions of

1 the contract have been approved by a majority of the district voters
2 voting at an election held for that purpose.

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

6 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

7 Sec. XXXX.0501. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. The district may issue bonds or other obligations
9 payable wholly or partly from ad valorem taxes, impact fees,
10 revenue, contract payments, grants, or other district money, or any
11 combination of those sources, to pay for any authorized district
12 purpose.

13 Sec. XXXX.0502. TAXES FOR BONDS. At the time the district
14 issues bonds payable wholly or partly from ad valorem taxes, the
15 board shall provide for the annual imposition of a continuing
16 direct ad valorem tax, without limit as to rate or amount, while all
17 or part of the bonds are outstanding as required and in the manner
18 provided by Sections 54.601 and 54.602, Water Code.

19 SECTION 2. The 7S Ranch Municipal Utility District
20 initially includes all the territory contained in the following
21 area:

22 486.289 acres of land situated in the George Glasscock Survey,
23 Abstract No. 243, in Williamson County, Texas, being the tracts
24 conveyed to S7 Limited Partnership No. 1 by instruments of record
25 in Document Nos. 9819357 (341.7957 ac.) 2015063709 (145.838 ac.) of
26 the Official Public Records of Williamson County, Texas, and being
27 more particularly described as follows:

1 Beginning at the northwest corner of a 221.62 acre tract conveyed to
2 John Isbel by instrument of record in Document No. 2004074056, for
3 an interior ell corner and the Point of Beginning of the herein
4 described tract;

5 Thence S 18 deg 14 min 10 sec E 1593.39 feet to the southwest corner
6 of the said 221.62 acre tract, being also the northeast corner of a
7 154.34 acre tract conveyed to McMaster Farm Partnership by
8 instrument of record in Document No. 2003062525, for the most
9 southerly southeast corner of the herein described tract;

10 Thence S 71 deg 09 min 11 sec W 2490.75 feet to the northwest corner
11 of the said 154.34 acre tract, being also the southeast corner of a
12 56.63 acre tract conveyed to Grace Johnson by instrument of record
13 in Document No. 2006084230, for the southmost southwest corner of
14 the herein described tract;

15 Thence N 17 deg 30 min 32 sec W 1034.44 feet to the northeast corner
16 of the said 56.63 acre tract, for an interior ell corner of the
17 herein described tract;

18 Thence S 72 deg 30 min 31 sec W 1146.31 feet to a point on the
19 northerly line of the said 56.63 acre tract, for the southwest
20 corner of the herein described tract;

21 Thence N 18 deg 14 min 41 sec W 2472.25 feet to the southerly
22 right-of-way of FM 970, for the northwest corner of the herein
23 described tract;

24 Thence with the said right-of-way the following courses and
25 distances:

26 N 74 deg 11 min 58 sec E 917.11 feet;

27 N 74 deg 08 min 00 sec E 545.42 feet;

1 N 74 deg 01 min 30 sec E 1927.02 feet;
2 N 72 deg 27 min 30 sec E 1574.16 feet;
3 N 71 deg 49 min 00 sec E 1909.53 feet;
4 N 71 deg 51 min 00 sec E 2101.17 feet;
5 With a curve to the left whose radius = 756.34 feet, tangents =
6 85.78 feet, arc = 170.83 feet and whose chord bears N 64 deg 55 min
7 00 sec E 170.47 feet;
8 N 72 deg 32 min 00 sec E 172.92 feet to a tract of land conveyed to
9 Bobby Rosenbusch by instrument of record in Document
10 No. 2016115566, for the northeast corner of the herein described
11 tract;
12 Thence S 18 deg 34 min 00 sec E 1750.93 feet to the north line of the
13 said 221.62 acre tract, for the southeast corner of the herein
14 described tract;
15 Thence S 71 deg 42 min 00 sec W 2448.59 feet and S 71 deg 40 min 00
16 sec W 3251.18 feet to the Point of Beginning, containing 486.289
17 acres of land, more or less.

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

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

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

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

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.