

By: Stucky

H.B. No. 4629

Substitute the following for H.B. No. 4629:

By: J. Johnson of Harris

C.S.H.B. No. 4629

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Agora Municipal Management District No. 1; 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 C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3997 to read as follows:

CHAPTER 3997. AGORA MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3997.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Corinth.

(3) "Director" means a board member.

(4) "District" means the Agora Municipal Management District No. 1.

Sec. 3997.0102. NATURE OF DISTRICT. The Agora Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3997.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the city and

1 other political subdivisions to contract with the district, the
2 legislature has established a program to accomplish the public
3 purposes set out in Section 52-a, Article III, Texas Constitution.

4 (c) The creation of the district is necessary to promote,
5 develop, encourage, and maintain employment, commerce,
6 transportation, housing, tourism, recreation, the arts,
7 entertainment, economic development, safety, and the public
8 welfare in the district.

9 (d) This chapter and the creation of the district may not be
10 interpreted to relieve the city from providing the level of
11 services provided as of the effective date of the Act enacting this
12 chapter to the area in the district. The district is created to
13 supplement and not to supplant city services provided in the
14 district.

15 Sec. 3997.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

16 (a) All land and other property included in the district will
17 benefit from the improvements and services to be provided by the
18 district under powers conferred by Sections 52 and 52-a, Article
19 III, and Section 59, Article XVI, Texas Constitution, and other
20 powers granted under this chapter.

21 (b) The district is created to serve a public use and
22 benefit.

23 (c) The creation of the district is in the public interest
24 and is essential to further the public purposes of:

25 (1) developing and diversifying the economy of the
26 state;

27 (2) eliminating unemployment and underemployment; and

1 (3) developing or expanding transportation and
2 commerce.

3 (d) The district will:

4 (1) promote the health, safety, and general welfare of
5 residents, employers, potential employees, employees, visitors,
6 and consumers in the district, and of the public;

7 (2) provide needed funding for the district to
8 preserve, maintain, and enhance the economic health and vitality of
9 the district territory as a community and business center;

10 (3) promote the health, safety, welfare, and enjoyment
11 of the public by providing parks, open spaces, and pedestrian ways
12 and by landscaping and developing certain areas in the district,
13 which are necessary for the restoration, preservation, and
14 enhancement of scenic beauty; and

15 (4) provide for water, wastewater, drainage, road, and
16 recreational facilities for the district.

17 (e) Pedestrian ways along or across a street, whether at
18 grade or above or below the surface, and street lighting, street
19 landscaping, parking, and street art objects are parts of and
20 necessary components of a street and are considered to be a street
21 or road improvement.

22 (f) The district will not act as the agent or
23 instrumentality of any private interest even though the district
24 will benefit many private interests as well as the public.

25 Sec. 3997.0105. INITIAL DISTRICT TERRITORY. (a) The
26 district is initially composed of the territory described by
27 Section 2 of the Act enacting this chapter.

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

5 (1) organization, existence, or validity;

6 (2) right to issue any type of bonds for the purposes
7 for which the district is created or to pay the principal of and
8 interest on the bonds;

9 (3) right to impose or collect an assessment or tax; or

10 (4) legality or operation.

11 Sec. 3997.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

12 All or any part of the area of the district is eligible to be
13 included in:

14 (1) a tax increment reinvestment zone created under
15 Chapter 311, Tax Code; or

16 (2) a tax abatement reinvestment zone created under
17 Chapter 312, Tax Code.

18 Sec. 3997.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
19 DISTRICTS LAW. Except as otherwise provided by this chapter,
20 Chapter 375, Local Government Code, applies to the district.

21 Sec. 3997.0108. CONSTRUCTION OF CHAPTER. This chapter
22 shall be liberally construed in conformity with the findings and
23 purposes stated in this chapter.

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3997.0201. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five directors appointed in the manner
27 provided by Section 3997.0202.

1 (b) Directors serve staggered terms of four years.

2 Sec. 3997.0202. APPOINTMENT AND REMOVAL OF DIRECTORS. (a)

3 The governing body of the city shall appoint directors to the board.

4 (b) The governing body of the city may not appoint a person
5 to serve as a director if after the appointment fewer than three of
6 the directors would reside in the city.

7 (c) The governing body of the city may remove a director.

8 Sec. 3997.0203. EX OFFICIO DIRECTORS. (a) The city
9 manager, city director of economic development, and city director
10 of finance serve as nonvoting ex officio directors.

11 (b) An ex officio director is entitled to speak on any
12 matter before the board.

13 (c) An ex officio director is entitled to receive the same
14 notices and information as a voting director.

15 (d) If an office described by Subsection (a) is renamed,
16 changed, or abolished, the governing body of the city may appoint to
17 serve as a nonvoting ex officio director another officer or
18 employee who performs duties comparable to those performed by the
19 officer or employee described by Subsection (a).

20 (e) The city manager, city director of economic
21 development, or city director of finance may appoint a designee to
22 serve under this section in place of that person.

23 (f) An ex officio director is not counted as a director for
24 purposes of establishing a quorum.

25 (g) Section 375.063, Local Government Code, does not apply
26 to an ex officio director.

27 Sec. 3997.0204. VACANCY. The governing body of the city

1 shall fill a vacancy on the board for the remainder of the unexpired
2 term.

3 Sec. 3997.0205. DIRECTOR'S OATH OR AFFIRMATION. (a) A
4 director shall file the director's oath or affirmation of office
5 with the district. The district shall retain the oath or
6 affirmation in the district records.

7 (b) A director shall file a copy of the director's oath or
8 affirmation with the secretary of the city.

9 Sec. 3997.0206. COMPENSATION; EXPENSES. A director is not
10 entitled to compensation, but is entitled to reimbursement for
11 necessary and reasonable expenses incurred in carrying out the
12 duties and responsibilities of the board.

13 Sec. 3997.0207. INITIAL DIRECTORS. Notwithstanding
14 Section 3997.0201(b), the governing body of the city shall
15 designate three initial directors to serve terms that expire June
16 1, 2023, and two initial directors to serve terms that expire June
17 1, 2025.

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 3997.0301. GENERAL POWERS AND DUTIES. The district
20 has the powers and duties necessary to accomplish the purposes for
21 which the district is created.

22 Sec. 3997.0302. DEVELOPMENT AGREEMENT. The city, the
23 district, and any other entities the city determines are necessary
24 to the agreement may execute a development agreement if approved by
25 the city and the district.

26 Sec. 3997.0303. IMPROVEMENT PROJECTS AND SERVICES. (a) The
27 district, using any money available to the district for the

1 purpose, may provide, design, construct, acquire, improve,
2 relocate, operate, maintain, or finance an improvement project or
3 service authorized under this chapter or Chapter 372 or 375, Local
4 Government Code, including parks and open spaces.

5 (b) The district may contract with a governmental or private
6 entity to carry out an action under Subsection (a).

7 (c) The implementation of a district project or service is a
8 governmental function or service for the purposes of Chapter 791,
9 Government Code.

10 Sec. 3997.0304. NONPROFIT CORPORATION. (a) The board by
11 resolution may authorize the creation of a nonprofit corporation to
12 assist and act for the district in implementing a project or
13 providing a service authorized by this chapter.

14 (b) The nonprofit corporation:

15 (1) has each power of and is considered to be a local
16 government corporation created under Subchapter D, Chapter 431,
17 Transportation Code; and

18 (2) may implement any project and provide any service
19 authorized by this chapter.

20 (c) The board shall appoint the board of directors of the
21 nonprofit corporation. The board of directors of the nonprofit
22 corporation shall serve in the same manner as the board of directors
23 of a local government corporation created under Subchapter D,
24 Chapter 431, Transportation Code, except that a board member is not
25 required to reside in the district.

26 Sec. 3997.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.

27 The district may join and pay dues to a charitable or nonprofit

1 organization that performs a service or provides an activity
2 consistent with the furtherance of a district purpose.

3 Sec. 3997.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
4 district may engage in activities that accomplish the economic
5 development purposes of the district.

6 (b) The district may establish and provide for the
7 administration of one or more programs to promote state or local
8 economic development and to stimulate business and commercial
9 activity in the district, including programs to:

10 (1) make loans and grants of public money; and

11 (2) provide district personnel and services.

12 (c) The district may create economic development programs
13 and exercise the economic development powers provided to
14 municipalities by:

15 (1) Chapter 380, Local Government Code; and

16 (2) Subchapter A, Chapter 1509, Government Code.

17 Sec. 3997.0307. PARKING FACILITIES. (a) The district may
18 acquire, lease as lessor or lessee, construct, develop, own,
19 operate, and maintain parking facilities or a system of parking
20 facilities, including lots, garages, parking terminals, or other
21 structures or accommodations for parking motor vehicles off the
22 streets and related appurtenances.

23 (b) The district's parking facilities serve the public
24 purposes of the district and are owned, used, and held for a public
25 purpose even if leased or operated by a private entity for a term of
26 years.

27 (c) The district's parking facilities are parts of and

1 necessary components of a street and are considered to be a street
2 or road improvement.

3 (d) The development and operation of the district's parking
4 facilities may be considered an economic development program.

5 Sec. 3997.0308. ADDING OR EXCLUDING LAND. The district may
6 add or exclude land in the manner provided by Subchapter J, Chapter
7 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

8 Sec. 3997.0309. DISBURSEMENTS AND TRANSFERS OF MONEY OR
9 OTHER ASSETS. The board by resolution shall establish the number of
10 directors' signatures and the procedure required for a disbursement
11 or transfer of district money or other assets.

12 Sec. 3997.0310. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
13 Section 375.161, Local Government Code, does not apply to the
14 district.

15 Sec. 3997.0311. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

17 SUBCHAPTER D. ASSESSMENTS

18 Sec. 3997.0401. PETITION REQUIRED FOR FINANCING SERVICES
19 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
20 service or improvement project with assessments under this chapter
21 unless a written petition requesting that service or improvement
22 has been filed with the board.

23 (b) A petition filed under Subsection (a) must be signed by
24 the owners of a majority of the assessed value of real property in
25 the district subject to assessment according to the most recent
26 certified tax appraisal roll for the county.

27 Sec. 3997.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

1 The board by resolution may impose and collect an assessment for any
2 purpose authorized by this chapter in all or any part of the
3 district.

4 (b) An assessment, a reassessment, or an assessment
5 resulting from an addition to or correction of the assessment roll
6 by the district, penalties and interest on an assessment or
7 reassessment, an expense of collection, and reasonable attorney's
8 fees incurred by the district:

9 (1) are a first and prior lien against the property
10 assessed;

11 (2) are superior to any other lien or claim other than
12 a lien or claim for county, school district, or municipal ad valorem
13 taxes; and

14 (3) are the personal liability of and a charge against
15 the owners of the property even if the owners are not named in the
16 assessment proceedings.

17 (c) The lien is effective from the date of the board's
18 resolution imposing the assessment until the date the assessment is
19 paid. The board may enforce the lien in the same manner that the
20 board may enforce an ad valorem tax lien against real property.

21 (d) The board may make a correction to or deletion from the
22 assessment roll that does not increase the amount of assessment of
23 any parcel of land without providing notice and holding a hearing in
24 the manner required for additional assessments.

25 SUBCHAPTER E. TAXES AND BONDS

26 Sec. 3997.0501. TAX ELECTION REQUIRED. (a) The district
27 must hold an election in the manner provided by Chapter 49, Water

1 Code, or, if applicable, Chapter 375, Local Government Code, to
2 obtain voter approval before the district may impose an ad valorem
3 tax.

4 (b) Section 375.243, Local Government Code, does not apply
5 to the district.

6 Sec. 3997.0502. OPERATION AND MAINTENANCE TAX. (a) If
7 authorized by a majority of the district voters voting at an
8 election under Section 3997.0501, the district may impose an
9 operation and maintenance tax on taxable property in the district
10 in the manner provided by Section 49.107, Water Code, for any
11 district purpose, including to:

- 12 (1) maintain and operate the district;
13 (2) construct or acquire improvements; or
14 (3) provide a service.

15 (b) The board shall determine the operation and maintenance
16 tax rate. The rate may not exceed the rate approved at the
17 election.

18 Sec. 3997.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE
19 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
20 terms determined by the board.

21 (b) The district may issue bonds, notes, or other
22 obligations payable wholly or partly from ad valorem taxes,
23 assessments, impact fees, revenue, contract payments, grants, or
24 other district money, or any combination of those sources of money,
25 to pay for any authorized district purpose.

26 (c) The district may issue, by public or private sale,
27 bonds, notes, or other obligations payable wholly or partly from ad

1 valorem taxes or assessments in the manner provided by Subchapter
2 A, Chapter 372, Local Government Code, if the improvements financed
3 by an obligation issued under this section will be conveyed to or
4 operated and maintained by a municipality or other retail utility
5 provider pursuant to an agreement with the district entered into
6 before the issuance of the obligation.

7 Sec. 3997.0504. BONDS SECURED BY REVENUE OR CONTRACT
8 PAYMENTS. The district may issue, without an election, bonds
9 secured by:

10 (1) revenue other than ad valorem taxes, including
11 contract revenues; or

12 (2) contract payments, provided that the requirements
13 of Section 49.108, Water Code, have been met.

14 Sec. 3997.0505. BONDS SECURED BY AD VALOREM TAXES;
15 ELECTIONS. (a) If authorized at an election under Section
16 3997.0501, the district may issue bonds payable from ad valorem
17 taxes.

18 (b) At the time the district issues bonds payable wholly or
19 partly from ad valorem taxes, the board shall provide for the annual
20 imposition of a continuing direct annual ad valorem tax, without
21 limit as to rate or amount, for each year that all or part of the
22 bonds are outstanding as required and in the manner provided by
23 Sections 54.601 and 54.602, Water Code.

24 (c) All or any part of any facilities or improvements that
25 may be acquired by a district by the issuance of its bonds may be
26 submitted as a single proposition or as several propositions to be
27 voted on at the election.

1 Sec. 3997.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The
2 board may not issue bonds until each municipality in whose
3 corporate limits or extraterritorial jurisdiction the district is
4 located has consented by ordinance or resolution to the creation of
5 the district and to the inclusion of land in the district.

6 (b) This section applies only to the district's first
7 issuance of bonds payable from ad valorem taxes.

8 SECTION 2. The Agora Municipal Management District No. 1
9 initially includes all territory contained in the following area:

10 BEING 10.479 acres of land located in the J. WALTON SURVEY, Abstract
11 No. 1389, City of Corinth, Denton County, Texas, and being the same
12 tract of land conveyed to Anchor City Investments, LLC, by the deed
13 recorded in Instrument No. 2006-90896, of the Deed Records of
14 Denton County, Texas. Said 10.479 acres of land being more
15 particularly described by metes and bounds as follows:

16 BEGINNING at a 1/2" iron rod found at the Northwest corner of Lot 1,
17 Block A, Corinth Medical Center, an addition to the City of Corinth
18 according to the plat recorded in Instrument No. 2013-52, of the
19 Plat Records of Denton County, Texas, and said point lying in the
20 South right-of-way line of Walton Road (a 60 foot wide public
21 right-of-way);

22 THENCE S 13° 19' 57" E 587.40 feet, along the East boundary line of
23 said Anchor City Investments Tract and the West boundary line of
24 said Lot 1, Block A, to a 5/8" iron rod found at the Southeast corner
25 of said Anchor City Investments Tract and the Southwest corner of
26 said Lot 1, Block A, and said point lying in a curve to the left in
27 the North Right-of-way line of Corinth Parkway (a variable width

1 public right-of-way);

2 THENCE along the North right-of-way line of said Corinth Parkway,
3 and the South boundary line of said Anchor City Investments Tract,
4 as follows:

5 1. SOUTHWESTERLY 55.02 feet, along said curve to the left, having
6 a radius of 2,542.00 feet, a central angle of 01° 14' 24", and a
7 chord bearing S 63° 50' 46" W 55.01 feet, to a 1/2" iron rod marked
8 found, at the end of said curve;

9 2. S 79° 53' 43" w 152.91 feet, to a 5/8" iron rod marked "Carter &
10 Burgess" found lying at the beginning of another curve to the left;

11 3. SOUTHWESTERLY 225.31 feet, along said curve to the left, having
12 a radius of 2,590.00 feet, a central angle of 04° 59' 04", and a
13 chord bearing S 57° 31' 42" W 225.24 feet, to an "X" cut in a concrete
14 utility vault, set at the end of said curve, and said point lying in
15 a curve to the right in the East boundary line of a tract of land
16 (formerly the M.K.T. Railway) conveyed to the City of Denton by the
17 deed recorded in Instrument No. 93-0058485 of the Deed Records of
18 Denton County, Texas;

19 THENCE along the West boundary line of said Anchor City Investments
20 Tract and the East boundary line of said City of Denton Tract, as
21 follows:

22 1. NORTHWESTERLY 302.73 feet, along said curve to the right,
23 having a radius of 1,937.96 feet, a central angle of 08° 57' 01", and
24 a chord bearing N 43° 49' 18" W 302.42 feet, to a 1/2" iron rod found
25 at the end of said curve;

26 2. N 39° 16' 15" w 675.17 feet, to a 1/2" iron rod found, at the
27 Northwest corner of said Anchor City Investments Tract and said

1 point lying in the South right-of-way line of the aforesaid Walton
2 Road;

3 3. THENCE N 89° 49' 39" E 891.27 feet, along the North boundary line
4 of said Anchor City Investments Tract and the South right-of-way
5 line of said Walton Road, to the POINT OF BEGINNING containing
6 10.479 acres (456,953 square feet) of land

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

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

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

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

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.