

By: Sanford

H.B. No. 4665

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Raintree Municipal Utility District No. 1 of Collin 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7937A to read as follows:

CHAPTER 7937A. RAINTREE MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7937A.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 Raintree Municipal Utility District No. 1 of Collin County.

Sec. 7937A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7937A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7937A.0104. CONDITIONS PRECEDENT TO CONFIRMATION
3 ELECTION. (a) The temporary directors may not hold an election
4 under Section 7937A.0103 until:

5 (1) each municipality in whose corporate limits or
6 extraterritorial jurisdiction the district is located has
7 consented by ordinance or resolution to the creation of the
8 district and to the inclusion of land in the district; and

9 (2) the district has entered into a contract with a
10 municipality, Collin County, or another entity:

11 (A) for adequate supplemental police, fire,
12 emergency, and animal control services for the district; and

13 (B) that is approved by the Commissioners Court
14 of Collin County under Subsection (c).

15 (b) A contract under Subsection (a) may include a provision
16 that the contract takes effect only on the approval of the
17 Commissioners Court of Collin County and the voters in the district
18 voting in an election held for that purpose.

19 (c) The Commissioners Court of Collin County shall review a
20 contract under Subsection (a) and evaluate the supplemental police,
21 fire, emergency, and animal control services provided in the
22 contract. If the commissioners court determines that the contract
23 provides adequate services, the commissioners court shall adopt a
24 resolution stating that the contract has met the requirements of
25 Subsection (a).

26 Sec. 7937A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

8 Sec. 7937A.0106. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act enacting this chapter.

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

15 (1) organization, existence, or validity;

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

19 (3) right to impose a tax; or

20 (4) legality or operation.

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 7937A.0201. GOVERNING BODY; TERMS. (a) The district
23 is governed by a board of five elected directors.

24 (b) Except as provided by Section 7937A.0202, directors
25 serve staggered four-year terms.

26 Sec. 7937A.0202. TEMPORARY DIRECTORS. (a) On or after the
27 effective date of the Act enacting this chapter, the owner or owners

1 of a majority of the assessed value of the real property in the
2 district may submit a petition to the commission requesting that
3 the commission appoint as temporary directors the five persons
4 named in the petition. The commission shall appoint as temporary
5 directors the five persons named in the petition.

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

7 (1) the date permanent directors are elected under
8 Section 7937A.0103; or

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

11 (c) If permanent directors have not been elected under
12 Section 7937A.0103 and the terms of the temporary directors have
13 expired, successor temporary directors shall be appointed or
14 reappointed as provided by Subsection (d) to serve terms that
15 expire on the earlier of:

16 (1) the date permanent directors are elected under
17 Section 7937A.0103; or

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

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

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 7937A.0301. GENERAL POWERS AND DUTIES. The district
3 has the powers and duties necessary to accomplish the purposes for
4 which the district is created.

5 Sec. 7937A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
6 DUTIES. The district has the powers and duties provided by the
7 general law of this state, including Chapters 49 and 54, Water Code,
8 applicable to municipal utility districts created under Section 59,
9 Article XVI, Texas Constitution.

10 Sec. 7937A.0303. AUTHORITY FOR ROAD PROJECTS. Under
11 Section 52, Article III, Texas Constitution, the district may
12 design, acquire, construct, finance, issue bonds for, improve,
13 operate, maintain, and convey to this state, a county, or a
14 municipality for operation and maintenance macadamized, graveled,
15 or paved roads, or improvements, including storm drainage, in aid
16 of those roads.

17 Sec. 7937A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
18 road project must meet all applicable construction standards,
19 zoning and subdivision requirements, and regulations of each
20 municipality in whose corporate limits or extraterritorial
21 jurisdiction the road project is located.

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

27 (c) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and
2 specifications of the road project.

3 Sec. 7937A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
4 ORDINANCE OR RESOLUTION. The district shall comply with all
5 applicable requirements of any ordinance or resolution that is
6 adopted under Section 54.016 or 54.0165, Water Code, and that
7 consents to the creation of the district or to the inclusion of land
8 in the district.

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 7937A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
11 The district may issue, without an election, bonds and other
12 obligations secured by:

- 13 (1) revenue other than ad valorem taxes; or
14 (2) contract payments described by Section
15 7937A.0403.

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

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

24 Sec. 7937A.0402. OPERATION AND MAINTENANCE TAX. (a) If
25 authorized at an election held under Section 7937A.0401, the
26 district may impose an operation and maintenance tax on taxable
27 property in the district in accordance with Section 49.107, Water

1 Code.

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

4 Sec. 7937A.0403. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7937A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 7937A.0502. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7937A.0503. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Raintree Municipal Utility District No. 1 of
5 Collin County initially includes all the territory contained in the
6 following area:

7 FIELD NOTES to all that certain lot, tract or parcel of land
8 situated in the CARTER T. CLIFFT SURVEY, ABSTRACT NUMBER 162,
9 Collin County, Texas, and being all of a called 160.25 acre tract of
10 land described in the deed to Patel & Patel LLC, Poonuru LLC, Bade
11 LLC, Duggi LLC, Yukta LLC, VSAP Investments LLC, DGN Capital
12 Management LLC, Dakuri LLC, Andrewakka LLC, and KPNR LLC recorded
13 in Instrument Number 20190823001035060, Official Public Records,
14 Collin County, Texas the subject tract being more particularly
15 described as follows:

16 BEGINNING at a railroad spike found in the center of an asphalt road
17 under apparent public use posted County Road 470 for the Northeast
18 corner of said 160.25 acre tract of land, same being the Northwest
19 corner of a called 2.342 acre tract of land described in the deed to
20 Itzel Torres recorded in Instrument Number 20201215002253760,
21 Official Public Records, Collin County, Texas and being in the
22 South line of a called 154.506 acre tract of land described as
23 "Tract 3" in the deed to Jimmy Lawson, Trustee of The Jimmy Lawson
24 GST Trust, Dated August 13, 2003 recorded in Instrument Number
25 2003-0228722, Official Public Records, Collin County, Texas;

26 THENCE South 00 Degrees 32 Minutes 19 Seconds West with the East
27 line of said 160.25 acre tract of land, and the West line of said

1 2.342 acre tract of land, along or near a fence, a distance of
2 3,128.97 feet to a 2 inch metal fence corner post found for the
3 occupied and recognized Southeast corner of said 160.25 acre tract
4 of land, and the Southwest corner of the remainder of a called
5 36.754 acre tract of land described in the deed to Leticia Torres
6 recorded in Instrument Number 2004-0148472, Official Public
7 Records, Collin County, Texas and being in the North line of a
8 called 89.273 acre tract of land described in the deed to BHMM Group
9 Family Partnership, LTD recorded in Instrument Number
10 20170516000625330, Official Public Records, Collin County, Texas;
11 THENCE North 89 Degrees 16 Minutes 06 Seconds West with the South
12 line of said 160.25 acre tract of land and the North line of said
13 89.273 acre tract of land, along or near a fence, a distance of
14 895.41 feet to a 1/2 inch iron rod found at the north base of a metal
15 fence corner post for corner, same being the Northwest corner of
16 said 89.273 acre tract of land and the Northeast corner of the
17 remainder of a called 73.69 acre tract of land described in the deed
18 to Emma Evelyn Smith Living Revocable Trust recorded in Instrument
19 Number 2001-0014244, Official Public Records, Collin County,
20 Texas;
21 THENCE North 88 Degrees 33 Minutes 14 Seconds West with the South
22 line of said 160.25 acre tract of land and the North line of said
23 73.69 acre tract of land, along or near a fence, a distance of
24 1,540.53 feet to a wood fence corner post found for the Southwest
25 corner of said 160.25 acre tract of land, same being the Southeast
26 corner of a called 125.534 acre tract of land described in the deed
27 to MAS Ranch recorded in Instrument Number 20170329000400410,

1 Official Public Records, Collin County, Texas and being in the
2 North line of a tract of land described in the deed to Malinda A.
3 Warden recorded in Volume 3486, Page 130, Deed Records, Collin
4 County, Texas;

5 THENCE North 00 Degrees 45 Minutes 21 Seconds East with the West
6 line of said 160.25 acre tract of land and the East line of a said
7 125.534 acre tract of land, along or near a fence, passing at a
8 distance of 2713.78 feet a 6 inch wood fence corner post on the
9 South line of said County Road 470, and continuing a total distance
10 of 2,740.07 feet to railroad spike found in the center of said
11 County Road 470 for the Northwest corner of said 160.25 acre tract
12 of land;

13 THENCE with the North line of said 160.25 acre tract of land and
14 along the centerline of said County Road 470 the following courses
15 and distances:

16 South 83 Degrees 46 Minutes 01 Seconds East a distance of 189.55
17 feet to a Mag nail found for corner;

18 South 84 Degrees 49 Minutes 37 Seconds East a distance of 138.51
19 feet to a Mag nail set for corner;

20 South 85 Degrees 01 Minutes 51 Seconds East a distance of 235.40
21 feet to a Mag nail found for corner;

22 North 89 Degrees 27 Minutes 18 Seconds East a distance of 271.52
23 feet to a Mag nail found for corner;

24 North 81 Degrees 57 Minutes 17 Seconds East a distance of 294.96
25 feet to a PK nail found for corner, same being the Southwest corner
26 of said 154.506 acre tract of land;

27 THENCE with the North line of said 160.25 acre tract of land, the

1 South line of said 154.506 acre tract of land and along the
2 centerline of said County Road 470 the following courses and
3 distances:

4 North 72 Degrees 40 Minutes 13 Seconds East a distance of 236.87
5 feet to a Mag nail set for corner in a curve to the left, concave to
6 the Northwest, with a radius of 1,243.31 feet, a delta angle of 11
7 Degrees 39 Minutes 20 Seconds, a chord bearing of North 65 Degrees
8 00 Minutes 47 Seconds East, and a chord length of 252.52;

9 Northeasterly along said curve to the left an arc length of 252.92
10 feet to a Mag nail found for corner at the beginning of a reverse
11 curve to the right, concave to the Southeast, with a radius of
12 2,077.41 feet, a delta angle of 06 Degrees 04 Minutes 04 Seconds, a
13 chord bearing of North 62 Degrees 05 Minutes 32 Seconds East, and a
14 chord length of 219.93 feet;

15 Northeasterly with said curve to the right an arc length of 220.00
16 feet to a Mag nail found for corner at a point of a compound curve to
17 the right, concave to the Southeast, with a radius of 781.42 feet, a
18 delta angle of 14 Degrees 18 Minutes 35 Seconds, a chord bearing of
19 North 74 Degrees 09 Minutes 45 Seconds East, and a chord length of
20 194.68 feet;

21 Easterly with said curve to the right an arc length of 195.16 feet
22 to a Mag nail found for corner at the point of a compound curve to
23 the right, concave to the Southeast, with a radius of 1,276.37, a
24 delta angle of 06 Degrees 15 Minutes 19 Seconds, with a chord
25 bearing of North 82 Degrees 38 Minutes 41 Seconds East, and a chord
26 length of 139.30 feet;

27 Easterly with a said curve to the right an arc length of 139.35 feet

1 to a Mag nail found for corner at the point of a compound curve to
2 the right, concave to the South, with a radius of 1,453.08 feet, a
3 delta angle of 06 Degrees 21 Minutes 28 Seconds, a chord bearing of
4 North 88 Degrees 49 Minutes 29 Seconds East, and a chord length of
5 161.18 feet;

6 Easterly with said curve to the right an arc length of 161.24 feet
7 to a Mag nail set for corner at the point of a compound curve to the
8 right, concave to the South, with a radius of 55,010.84 feet, a
9 delta angle of 00 Degrees 10 Minutes 31 Seconds, a chord bearing of
10 South 87 Degrees 54 Minutes 31 Seconds East, and a chord length of
11 168.36 feet;

12 Easterly with said curve to the right with an arc length of 168.34
13 feet to the POINT OF BEGINNING and enclosing 160.23 acres of land,
14 more or less.

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

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 4. (a) If this Act does not receive a two-thirds
7 vote of all the members elected to each house, Subchapter C, Chapter
8 7937A, Special District Local Laws Code, as added by Section 1 of
9 this Act, is amended by adding Section 7937A.0306 to read as
10 follows:

11 Sec. 7937A.0306. NO EMINENT DOMAIN POWER. The district may
12 not exercise the power of eminent domain.

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

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