

By: Murr

H.B. No. 4668

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Medina County Water Control and Improvement District No. 4; 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 9031 to read as follows:

CHAPTER 9031. MEDINA COUNTY WATER CONTROL AND

IMPROVEMENT DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9031.0101. 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 Medina County Water Control and Improvement District No. 4.

Sec. 9031.0102. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9031.0103. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 9031.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 9031.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 9031.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

11 (1) a water control and improvement district as
12 provided by general law and Section 59, Article XVI, Texas
13 Constitution, including the collection, transportation,
14 processing, disposal, and control of domestic, industrial, or
15 communal waste and the gathering, conducting, diverting, and
16 control of local stormwater or other harmful excesses of water; 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. 9031.0106. 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. 9031.0201. GOVERNING BODY; TERMS. (a) The district is
9 governed by a board of five elected directors.

10 (b) Except as provided by Section 9031.0202, directors
11 serve staggered four-year terms.

12 Sec. 9031.0202. TEMPORARY DIRECTORS. (a) The temporary
13 board consists of:

14 (1) Jim Welch;

15 (2) Allen Hoover;

16 (3) Matt Baillio;

17 (4) Skip Lietz; and

18 (5) David Higgins.

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

20 (1) the date permanent directors are elected under
21 Section 9031.0103; 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 9031.0103 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 9031.0103; 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. 9031.0301. 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. 9031.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
18 POWERS AND DUTIES. The district has the powers and duties provided
19 by the general law of this state, including Chapters 49 and 51,
20 Water Code, applicable to water control and improvement districts
21 created under Section 59, Article XVI, Texas Constitution, and
22 specifically including the powers and duties authorized under
23 Subchapter H, Chapter 51, Water Code.

24 Sec. 9031.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
25 52, Article III, Texas Constitution, the district may design,
26 acquire, construct, finance, issue bonds for, improve, operate,
27 maintain, and convey to this state, a county, or a municipality for

1 operation and maintenance macadamized, graveled, or paved roads, or
2 improvements, including storm drainage, in aid of those roads.

3 Sec. 9031.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
4 road project must meet all applicable construction standards,
5 subdivision requirements, and regulations of each municipality in
6 whose corporate limits or extraterritorial jurisdiction the road
7 project is located.

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

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

16 Sec. 9031.0305. COMPLIANCE WITH MUNICIPAL CONSENT
17 ORDINANCE OR RESOLUTION. The district shall comply with all
18 applicable requirements of any ordinance or resolution that is
19 adopted under Section 42.042 or 42.0425, Local Government Code, and
20 consents to the creation of the district or to the inclusion of land
21 in the district.

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 9031.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
24 The district may issue, without an election, bonds and other
25 obligations secured by:

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

27 (2) contract payments described by Section 9031.0403.

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

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

9 Sec. 9031.0402. OPERATION AND MAINTENANCE TAX. (a) If
10 authorized at an election held under Section 9031.0401, the
11 district may impose an operation and maintenance tax on taxable
12 property in the district in accordance with Section 49.107, Water
13 Code.

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

16 Sec. 9031.0403. CONTRACT TAXES. (a) In accordance with
17 Section 49.108, Water Code, the district may impose a tax other than
18 an operation and maintenance tax and use the revenue derived from
19 the tax to make payments under a contract after the provisions of
20 the contract have been approved by a majority of the district voters
21 voting at an election held for that purpose.

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

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26 Sec. 9031.0501. AUTHORITY TO ISSUE BONDS AND OTHER
27 OBLIGATIONS. The district may issue bonds or other obligations

1 payable wholly or partly from ad valorem taxes, impact fees,
2 revenue, contract payments, grants, or other district money, or any
3 combination of those sources, to pay for any authorized district
4 purpose.

5 Sec. 9031.0502. TAXES FOR BONDS. At the time the district
6 issues bonds payable wholly or partly from ad valorem taxes, the
7 board shall provide for the annual imposition of a continuing
8 direct ad valorem tax, without limit as to rate or amount, while all
9 or part of the bonds are outstanding as required and in the manner
10 provided by Section 51.433, Water Code.

11 Sec. 9031.0503. BONDS FOR ROAD PROJECTS. At the time of
12 issuance, the total principal amount of bonds or other obligations
13 issued or incurred to finance road projects and payable from ad
14 valorem taxes may not exceed one-fourth of the assessed value of the
15 real property in the district.

16 SECTION 2. The Medina County Water Control and Improvement
17 District No. 4 initially includes all the territory contained in
18 the following area:

19 FIELD NOTES FOR A 386.666 ACRE TRACT OF LAND IN THE JOSE
20 JACINTO GONZALES SURVEY 255, ABSTRACT NO. 408, AND THE BERIANA
21 SANDOVAL SURVEY 40, ABSTRACT NO. 840, MEDINA COUNTY, TEXAS, BEING
22 ALL OF A CALLED 177.28 ACRE TRACT OF LAND AS CONVEYED UNTO TAUNA R.
23 WILTZ IN VOLUME 690, PAGE 494 OF THE OFFICIAL RECORDS OF MEDINA
24 COUNTY, TEXAS, ALL OF A CALLED 58.588 ACRE TRACT OF LAND (TRACT 5)
25 AS CONVEYED UNTO ROSALIE J. KAIL IN VOLUME 295, PAGE 857 OF THE DEED
26 RECORDS OF MEDINA COUNTY, TEXAS, ALL OF A CALLED 116.2 ACRE TRACT OF
27 LAND AS CONVEYED UNTO CHRIS RANDAL SCHUCHART IN VOLUME 106, PAGE 705

1 OF THE OFFICIAL PUBLIC RECORDS OF MEDINA COUNTY, TEXAS, AND A
2 PORTION OF THE REMAINING PORTION OF A CALLED 285.71 ACRE TRACT OF
3 LAND AS CONVEYED UNTO CHRIS SCHUCHART IN DOCUMENT NUMBER 2019007792
4 OF THE PUBLIC RECORDS OF MEDINA COUNTY, TEXAS; SAID 386.666 ACRE
5 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
6 FOLLOWS:

7 BEGINNING at a calculated point of the curvilinear west
8 right-of-way line of Farm-to-Market (F.M.) Road 471 (R.O.W. ~ 80')
9 as shown on the Texas Department of Transportation Right-of-way
10 retracement map dated 12/17/2004 at the common corner of said
11 177.28 acre tract and a called 58.588 acre tract of land (Tract 4)
12 as conveyed unto Millard G. Schuchart in the aforementioned Volume
13 295, Page 857, for the easterly northeast corner and POINT OF
14 BEGINNING of the herein described tract:

15 THENCE, coincident with the common line of said west
16 right-of-way, the 177.28 acre tract and the aforementioned 58.588
17 acre tract (Tract 5) the following three (3) courses:

18 1) Curving to the left, with a radius of 612.96 feet, an arc
19 length of 22.15 feet, a central angle of 02°04'13", a chord bearing
20 of S 05°52'13" W, and a chord distance of 22.15 feet to a calculated
21 point for a point of tangency of the herein described tract;

22 2) S 04°50'07" W, a distance of 1,545.14 feet to a calculated
23 point for an angle point of the herein described tract;

24 3) S 06°01'04" W, a distance of 851.43 feet to a calculated
25 point at the common corner of said Tract 5 and Rio Medina Estates as
26 recorded in Volume 4, Pages 32-33 of the Plat Records of Medina
27 County, Texas, for the easterly southeast corner of the herein

1 described tract;

2 THENCE, S 89°33'31" W, departing said common line, coincident
3 with the common line of Tract 5 and said Rio Medina Estates, a
4 distance of 2,280.86 feet to a calculated point on the east line of
5 the aforementioned 116.2 acre tract at the common corner of Tract 5
6 and Rio Medina Estates, for a re-entrant corner of the herein
7 described tract:

8 THENCE, S 00°52'29" W, coincident with the common line of Rio
9 Medina Estates and said 116.2 acre tract, a distance of 1,109.01
10 feet to a calculated point on the north line of a called 114.675
11 acre tract of land conveyed unto Randall Allen Haby and described in
12 Volume 241, Page 85 of the Official Public Records of Medina County,
13 Texas, at the common corner of the 116.2 acre tract and Rio Medina
14 Estates, for the southerly southeast corner of the herein described
15 tract:

16 THENCE, S 89°29'24" W, coincident with the common line of the
17 116.2 acre tract, said 114.675 acre tract, the aforementioned
18 remaining portion of the 285.71 acre tract, a called 47.175 acre
19 tract of land as conveyed unto Newcity Communications of SA, Inc in
20 Volume 108, Page 281 of the Official Public Records of Medina
21 County, Texas and a called 375.53 acre tract of land as conveyed
22 unto Linda Haby Wurzbach in Volume 758, Page 1132 of the Official
23 Records of Medina County, Texas, a distance of 3,060.72 feet to a
24 calculated point for the southwest corner of the herein described
25 tract;

26 THENCE, departing said common line, over and across said
27 remaining portion of the 285.71 acre tract the following six (6)

1 courses:

2 1) N 21°29'40" E, a distance of 410.53 feet to a calculated
3 point for an angle point of the herein described tract;

4 2) N 77°53'57" E, a distance of 1,305.08 feet to a calculated
5 point for an angle point of the herein described tract;

6 3) N 10°39'31" E, a distance of 597.05 feet to a calculated
7 point for an angle point of the herein described tract;

8 4) N 07°19'17" W, a distance of 1,014.63 feet to a calculated
9 point for an angle point of the herein described tract;

10 5) N 58°37'44" W, a distance of 713.48 feet to a calculated
11 point for an angle point of the herein described tract;

12 6) N 28°45'29" E, a distance of 957.02 feet to a calculated
13 point on the common line of the remaining portion of the 285.71 acre
14 tract and the aforementioned 116.2 acre tract, for an angle point of
15 the herein described tract;

16 THENCE, N 09°48'15" W, coincident with the common line of the
17 remaining portion of 285.71 acre tract and said 116.2 acre tract, a
18 distance of 937.08 feet to a calculated point on the southeast
19 right-of-way line of County Road (C.R.) 371, (R.O.W. ~ varies), no
20 reference found, at the common corner of the remaining portion of
21 the 285.71 acre tract and the 116.2 acre tract, for an angle point
22 of the herein described tract;

23 THENCE, N 31°22'00" E, coincident with the common line of said
24 116.2 acre tract and said right-of-way, a distance of 510.54 feet to
25 a calculated point at the southwest end of the cutback line from the
26 south right-of-way line of F.M. 1283, (R.O.W. ~ varies, 100' min.)
27 as shown on the Texas Department of Transportation Right-of-way

1 Retracement Map dated 3/30/2005, for an angle point of the herein
2 described tract:

3 THENCE, N 75°12'03" E, coincident with the common line of said
4 cutback and the 116.2 acre tract, a distance of 146.97 feet to a
5 calculated point on the curvilinear south right-of-way line of said
6 F.M. 1283, at the beginning of a non-tangent curve for an angle
7 point of the herein described tract;

8 THENCE, coincident with the common line of said right-of-way,
9 the 116.2 acre tract and the aforementioned 177.28 acre tract the
10 following three (3) courses:

11 1) Curving to the left, with a radius of 1,969.64 feet, an
12 arc length of 1,538.16 feet, a central angle of 44°44'39", a chord
13 bearing of S 84°46'27" E, and a chord distance of 1,499.37 feet to a
14 calculated point at the end of this curve;

15 2) N 70°56'40" E, a distance of 300.17 feet to a calculated
16 point, for an angle point of the herein described tract:

17 3) N 72°51'16" E, a distance of 930.81 feet to a calculated
18 point, at the common corner of said 177.28 acre tract and the
19 aforementioned 58.588 acre tract (Tract 4), for the northeast
20 corner of the herein described tract:

21 THENCE, departing said common line, coincident with the
22 common line of the 177.28 acre tract and said Tract 4, the following
23 three (3) courses:

24 1) S 02°38'00" E, a distance of 673.15 feet to a calculated
25 point for an angle point of the herein described tract:

26 2) S 49°26'10" E, a distance of 1,241.45 feet to a calculated
27 point for an angle point of the herein described tract:

1 3) S 83°25'00" E, a distance of 435.47 feet to the POINT OF
2 BEGINNING and containing 386.666 acres of land, more or less.

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

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

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

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

21 SECTION 4. (a) If this Act does not receive a two-thirds
22 vote of all the members elected to each house, Subchapter C, Chapter
23 9031, Special District Local Laws Code, as added by Section 1 of
24 this Act, is amended by adding Section 9031.0306 to read as follows:

25 Sec. 9031.0306. NO EMINENT DOMAIN POWER. The district may
26 not exercise the power of eminent domain.

27 (b) This section is not intended to be an expression of a

1 legislative interpretation of the requirements of Section 17(c),
2 Article I, Texas Constitution.

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