

1-1 By: Murr (Senate Sponsor - Gutierrez) H.B. No. 4668
 1-2 (In the Senate - Received from the House May 19, 2021;
 1-3 May 19, 2021, read first time and referred to Committee on Local
 1-4 Government; May 22, 2021, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Medina County Water Control and
 1-20 Improvement District No. 4; granting a limited power of eminent
 1-21 domain; providing authority to issue bonds; providing authority to
 1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle I, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 9031 to read as follows:

1-26 CHAPTER 9031. MEDINA COUNTY WATER CONTROL AND
 1-27 IMPROVEMENT DISTRICT NO. 4

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 9031.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Medina County Water Control
 1-35 and Improvement District No. 4.

1-36 Sec. 9031.0102. NATURE OF DISTRICT. The district is a water
 1-37 control and improvement district created under Section 59, Article
 1-38 XVI, Texas Constitution.

1-39 Sec. 9031.0103. CONFIRMATION AND DIRECTORS' ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 9031.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 9031.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district.

1-49 Sec. 9031.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a water control and improvement district as
 1-53 provided by general law and Section 59, Article XVI, Texas
 1-54 Constitution, including the collection, transportation,
 1-55 processing, disposal, and control of domestic, industrial, or
 1-56 communal waste and the gathering, conducting, diverting, and
 1-57 control of local stormwater or other harmful excesses of water; and

1-58 (2) Section 52, Article III, Texas Constitution, that
 1-59 relate to the construction, acquisition, improvement, operation,
 1-60 or maintenance of macadamized, graveled, or paved roads, or
 1-61 improvements, including storm drainage, in aid of those roads.

2-1 Sec. 9031.0106. INITIAL DISTRICT TERRITORY. (a) The
 2-2 district is initially composed of the territory described by
 2-3 Section 2 of the Act enacting this chapter.

2-4 (b) The boundaries and field notes contained in Section 2 of
 2-5 the Act enacting this chapter form a closure. A mistake made in the
 2-6 field notes or in copying the field notes in the legislative process
 2-7 does not affect the district's:

- 2-8 (1) organization, existence, or validity;
- 2-9 (2) right to issue any type of bond for the purposes
 2-10 for which the district is created or to pay the principal of and
 2-11 interest on a bond;
- 2-12 (3) right to impose a tax; or
- 2-13 (4) legality or operation.

2-14 SUBCHAPTER B. BOARD OF DIRECTORS

2-15 Sec. 9031.0201. GOVERNING BODY; TERMS. (a) The district is
 2-16 governed by a board of five elected directors.

2-17 (b) Except as provided by Section 9031.0202, directors
 2-18 serve staggered four-year terms.

2-19 Sec. 9031.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-20 board consists of:

- 2-21 (1) Jim Welch;
- 2-22 (2) Allen Hoover;
- 2-23 (3) Matt Baillio;
- 2-24 (4) Skip Lietz; and
- 2-25 (5) David Higgins.

2-26 (b) Temporary directors serve until the earlier of:

- 2-27 (1) the date permanent directors are elected under
 2-28 Section 9031.0103; or
- 2-29 (2) the fourth anniversary of the effective date of
 2-30 the Act enacting this chapter.

2-31 (c) If permanent directors have not been elected under
 2-32 Section 9031.0103 and the terms of the temporary directors have
 2-33 expired, successor temporary directors shall be appointed or
 2-34 reappointed as provided by Subsection (d) to serve terms that
 2-35 expire on the earlier of:

- 2-36 (1) the date permanent directors are elected under
 2-37 Section 9031.0103; or
- 2-38 (2) the fourth anniversary of the date of the
 2-39 appointment or reappointment.

2-40 (d) If Subsection (c) applies, the owner or owners of a
 2-41 majority of the assessed value of the real property in the district
 2-42 may submit a petition to the commission requesting that the
 2-43 commission appoint as successor temporary directors the five
 2-44 persons named in the petition. The commission shall appoint as
 2-45 successor temporary directors the five persons named in the
 2-46 petition.

2-47 SUBCHAPTER C. POWERS AND DUTIES

2-48 Sec. 9031.0301. GENERAL POWERS AND DUTIES. The district
 2-49 has the powers and duties necessary to accomplish the purposes for
 2-50 which the district is created.

2-51 Sec. 9031.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
 2-52 POWERS AND DUTIES. The district has the powers and duties provided
 2-53 by the general law of this state, including Chapters 49 and 51,
 2-54 Water Code, applicable to water control and improvement districts
 2-55 created under Section 59, Article XVI, Texas Constitution, and
 2-56 specifically including the powers and duties authorized under
 2-57 Subchapter H, Chapter 51, Water Code.

2-58 Sec. 9031.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-59 52, Article III, Texas Constitution, the district may design,
 2-60 acquire, construct, finance, issue bonds for, improve, operate,
 2-61 maintain, and convey to this state, a county, or a municipality for
 2-62 operation and maintenance macadamized, graveled, or paved roads, or
 2-63 improvements, including storm drainage, in aid of those roads.

2-64 Sec. 9031.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-65 road project must meet all applicable construction standards,
 2-66 subdivision requirements, and regulations of each municipality in
 2-67 whose corporate limits or extraterritorial jurisdiction the road
 2-68 project is located.

2-69 (b) If a road project is not located in the corporate limits

3-1 or extraterritorial jurisdiction of a municipality, the road
3-2 project must meet all applicable construction standards, zoning and
3-3 subdivision requirements, and regulations of each county in which
3-4 the road project is located.

3-5 (c) If the state will maintain and operate the road, the
3-6 Texas Transportation Commission must approve the plans and
3-7 specifications of the road project.

3-8 Sec. 9031.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-9 ORDINANCE OR RESOLUTION. The district shall comply with all
3-10 applicable requirements of any ordinance or resolution that is
3-11 adopted under Section 42.042 or 42.0425, Local Government Code, and
3-12 consents to the creation of the district or to the inclusion of land
3-13 in the district.

3-14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-15 Sec. 9031.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-16 The district may issue, without an election, bonds and other
3-17 obligations secured by:

3-18 (1) revenue other than ad valorem taxes; or
3-19 (2) contract payments described by Section 9031.0403.

3-20 (b) The district must hold an election in the manner
3-21 provided by Chapters 49 and 51, Water Code, to obtain voter approval
3-22 before the district may impose an ad valorem tax or issue bonds
3-23 payable from ad valorem taxes.

3-24 (c) The district may not issue bonds payable from ad valorem
3-25 taxes to finance a road project unless the issuance is approved by a
3-26 vote of a two-thirds majority of the district voters voting at an
3-27 election held for that purpose.

3-28 Sec. 9031.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-29 authorized at an election held under Section 9031.0401, the
3-30 district may impose an operation and maintenance tax on taxable
3-31 property in the district in accordance with Section 49.107, Water
3-32 Code.

3-33 (b) The board shall determine the tax rate. The rate may not
3-34 exceed the rate approved at the election.

3-35 Sec. 9031.0403. CONTRACT TAXES. (a) In accordance with
3-36 Section 49.108, Water Code, the district may impose a tax other than
3-37 an operation and maintenance tax and use the revenue derived from
3-38 the tax to make payments under a contract after the provisions of
3-39 the contract have been approved by a majority of the district voters
3-40 voting at an election held for that purpose.

3-41 (b) A contract approved by the district voters may contain a
3-42 provision stating that the contract may be modified or amended by
3-43 the board without further voter approval.

3-44 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-45 Sec. 9031.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-46 OBLIGATIONS. The district may issue bonds or other obligations
3-47 payable wholly or partly from ad valorem taxes, impact fees,
3-48 revenue, contract payments, grants, or other district money, or any
3-49 combination of those sources, to pay for any authorized district
3-50 purpose.

3-51 Sec. 9031.0502. TAXES FOR BONDS. At the time the district
3-52 issues bonds payable wholly or partly from ad valorem taxes, the
3-53 board shall provide for the annual imposition of a continuing
3-54 direct ad valorem tax, without limit as to rate or amount, while all
3-55 or part of the bonds are outstanding as required and in the manner
3-56 provided by Section 51.433, Water Code.

3-57 Sec. 9031.0503. BONDS FOR ROAD PROJECTS. At the time of
3-58 issuance, the total principal amount of bonds or other obligations
3-59 issued or incurred to finance road projects and payable from ad
3-60 valorem taxes may not exceed one-fourth of the assessed value of the
3-61 real property in the district.

3-62 SECTION 2. The Medina County Water Control and Improvement
3-63 District No. 4 initially includes all the territory contained in
3-64 the following area:

3-65 FIELD NOTES FOR A 386.666 ACRE TRACT OF LAND IN THE JOSE
3-66 JACINTO GONZALES SURVEY 255, ABSTRACT NO. 408, AND THE BERIANA
3-67 SANDOVAL SURVEY 40, ABSTRACT NO. 840, MEDINA COUNTY, TEXAS, BEING
3-68 ALL OF A CALLED 177.28 ACRE TRACT OF LAND AS CONVEYED UNTO TAUNA R.
3-69 WILTZ IN VOLUME 690, PAGE 494 OF THE OFFICIAL RECORDS OF MEDINA

4-1 COUNTY, TEXAS, ALL OF A CALLED 58.588 ACRE TRACT OF LAND (TRACT 5)
 4-2 AS CONVEYED UNTO ROSALIE J. KAIL IN VOLUME 295, PAGE 857 OF THE DEED
 4-3 RECORDS OF MEDINA COUNTY, TEXAS, ALL OF A CALLED 116.2 ACRE TRACT OF
 4-4 LAND AS CONVEYED UNTO CHRIS RANDAL SCHUCHART IN VOLUME 106, PAGE 705
 4-5 OF THE OFFICIAL PUBLIC RECORDS OF MEDINA COUNTY, TEXAS, AND A
 4-6 PORTION OF THE REMAINING PORTION OF A CALLED 285.71 ACRE TRACT OF
 4-7 LAND AS CONVEYED UNTO CHRIS SCHUCHART IN DOCUMENT NUMBER 2019007792
 4-8 OF THE PUBLIC RECORDS OF MEDINA COUNTY, TEXAS; SAID 386.666 ACRE
 4-9 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
 4-10 FOLLOWS:

4-11 BEGINNING at a calculated point of the curvilinear west
 4-12 right-of-way line of Farm-to-Market (F.M.) Road 471 (R.O.W. ~ 80')
 4-13 as shown on the Texas Department of Transportation Right-of-way
 4-14 retracement map dated 12/17/2004 at the common corner of said
 4-15 177.28 acre tract and a called 58.588 acre tract of land (Tract 4)
 4-16 as conveyed unto Millard G. Schuchart in the aforementioned Volume
 4-17 295, Page 857, for the easterly northeast corner and POINT OF
 4-18 BEGINNING of the herein described tract:

4-19 THENCE, coincident with the common line of said west
 4-20 right-of-way, the 177.28 acre tract and the aforementioned 58.588
 4-21 acre tract (Tract 5) the following three (3) courses:

4-22 1) Curving to the left, with a radius of 612.96 feet, an arc
 4-23 length of 22.15 feet, a central angle of 02°04'13", a chord bearing
 4-24 of S 05°52'13" W, and a chord distance of 22.15 feet to a calculated
 4-25 point for a point of tangency of the herein described tract;

4-26 2) S 04°50'07" W, a distance of 1,545.14 feet to a calculated
 4-27 point for an angle point of the herein described tract;

4-28 3) S 06°01'04" W, a distance of 851.43 feet to a calculated
 4-29 point at the common corner of said Tract 5 and Rio Medina Estates as
 4-30 recorded in Volume 4, Pages 32-33 of the Plat Records of Medina
 4-31 County, Texas, for the easterly southeast corner of the herein
 4-32 described tract;

4-33 THENCE, S 89°33'31" W, departing said common line, coincident
 4-34 with the common line of Tract 5 and said Rio Medina Estates, a
 4-35 distance of 2,280.86 feet to a calculated point on the east line of
 4-36 the aforementioned 116.2 acre tract at the common corner of Tract 5
 4-37 and Rio Medina Estates, for a re-entrant corner of the herein
 4-38 described tract:

4-39 THENCE, S 00°52'29" W, coincident with the common line of Rio
 4-40 Medina Estates and said 116.2 acre tract, a distance of 1,109.01
 4-41 feet to a calculated point on the north line of a called 114.675
 4-42 acre tract of land conveyed unto Randall Allen Haby and described in
 4-43 Volume 241, Page 85 of the Official Public Records of Medina County,
 4-44 Texas, at the common corner of the 116.2 acre tract and Rio Medina
 4-45 Estates, for the southerly southeast corner of the herein described
 4-46 tract:

4-47 THENCE, S 89°29'24" W, coincident with the common line of the
 4-48 116.2 acre tract, said 114.675 acre tract, the aforementioned
 4-49 remaining portion of the 285.71 acre tract, a called 47.175 acre
 4-50 tract of land as conveyed unto Newcity Communications of SA, Inc in
 4-51 Volume 108, Page 281 of the Official Public Records of Medina
 4-52 County, Texas and a called 375.53 acre tract of land as conveyed
 4-53 unto Linda Haby Wurzbach in Volume 758, Page 1132 of the Official
 4-54 Records of Medina County, Texas, a distance of 3,060.72 feet to a
 4-55 calculated point for the southwest corner of the herein described
 4-56 tract;

4-57 THENCE, departing said common line, over and across said
 4-58 remaining portion of the 285.71 acre tract the following six (6)
 4-59 courses:

4-60 1) N 21°29'40" E, a distance of 410.53 feet to a calculated
 4-61 point for an angle point of the herein described tract;

4-62 2) N 77°53'57" E, a distance of 1,305.08 feet to a calculated
 4-63 point for an angle point of the herein described tract;

4-64 3) N 10°39'31" E, a distance of 597.05 feet to a calculated
 4-65 point for an angle point of the herein described tract;

4-66 4) N 07°19'17" W, a distance of 1,014.63 feet to a calculated
 4-67 point for an angle point of the herein described tract;

4-68 5) N 58°37'44" W, a distance of 713.48 feet to a calculated
 4-69 point for an angle point of the herein described tract;

5-1 6) N 28°45'29" E, a distance of 957.02 feet to a calculated
 5-2 point on the common line of the remaining portion of the 285.71 acre
 5-3 tract and the aforementioned 116.2 acre tract, for an angle point of
 5-4 the herein described tract;

5-5 THENCE, N 09°48'15" W, coincident with the common line of the
 5-6 remaining portion of 285.71 acre tract and said 116.2 acre tract, a
 5-7 distance of 937.08 feet to a calculated point on the southeast
 5-8 right-of-way line of County Road (C.R.) 371, (R.O.W. ~ varies), no
 5-9 reference found, at the common corner of the remaining portion of
 5-10 the 285.71 acre tract and the 116.2 acre tract, for an angle point
 5-11 of the herein described tract;

5-12 THENCE, N 31°22'00" E, coincident with the common line of said
 5-13 116.2 acre tract and said right-of-way, a distance of 510.54 feet to
 5-14 a calculated point at the southwest end of the cutback line from the
 5-15 south right-of-way line of F.M. 1283, (R.O.W. ~ varies, 100' min.)
 5-16 as shown on the Texas Department of Transportation Right-of-way
 5-17 Retracement Map dated 3/30/2005, for an angle point of the herein
 5-18 described tract;

5-19 THENCE, N 75°12'03" E, coincident with the common line of said
 5-20 cutback and the 116.2 acre tract, a distance of 146.97 feet to a
 5-21 calculated point on the curvilinear south right-of-way line of said
 5-22 F.M. 1283, at the beginning of a non-tangent curve for an angle
 5-23 point of the herein described tract;

5-24 THENCE, coincident with the common line of said right-of-way,
 5-25 the 116.2 acre tract and the aforementioned 177.28 acre tract the
 5-26 following three (3) courses:

5-27 1) Curving to the left, with a radius of 1,969.64 feet, an
 5-28 arc length of 1,538.16 feet, a central angle of 44°44'39", a chord
 5-29 bearing of S 84°46'27" E, and a chord distance of 1,499.37 feet to a
 5-30 calculated point at the end of this curve;

5-31 2) N 70°56'40" E, a distance of 300.17 feet to a calculated
 5-32 point, for an angle point of the herein described tract:

5-33 3) N 72°51'16" E, a distance of 930.81 feet to a calculated
 5-34 point, at the common corner of said 177.28 acre tract and the
 5-35 aforementioned 58.588 acre tract (Tract 4), for the northeast
 5-36 corner of the herein described tract:

5-37 THENCE, departing said common line, coincident with the
 5-38 common line of the 177.28 acre tract and said Tract 4, the following
 5-39 three (3) courses:

5-40 1) S 02°38'00" E, a distance of 673.15 feet to a calculated
 5-41 point for an angle point of the herein described tract:

5-42 2) S 49°26'10" E, a distance of 1,241.45 feet to a calculated
 5-43 point for an angle point of the herein described tract:

5-44 3) S 83°25'00" E, a distance of 435.47 feet to the POINT OF
 5-45 BEGINNING and containing 386.666 acres of land, more or less.

5-46 SECTION 3. (a) The legal notice of the intention to
 5-47 introduce this Act, setting forth the general substance of this
 5-48 Act, has been published as provided by law, and the notice and a
 5-49 copy of this Act have been furnished to all persons, agencies,
 5-50 officials, or entities to which they are required to be furnished
 5-51 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-52 Government Code.

5-53 (b) The governor, one of the required recipients, has
 5-54 submitted the notice and Act to the Texas Commission on
 5-55 Environmental Quality.

5-56 (c) The Texas Commission on Environmental Quality has filed
 5-57 its recommendations relating to this Act with the governor, the
 5-58 lieutenant governor, and the speaker of the house of
 5-59 representatives within the required time.

5-60 (d) All requirements of the constitution and laws of this
 5-61 state and the rules and procedures of the legislature with respect
 5-62 to the notice, introduction, and passage of this Act are fulfilled
 5-63 and accomplished.

5-64 SECTION 4. (a) If this Act does not receive a two-thirds
 5-65 vote of all the members elected to each house, Subchapter C, Chapter
 5-66 9031, Special District Local Laws Code, as added by Section 1 of
 5-67 this Act, is amended by adding Section 9031.0306 to read as follows:

5-68 Sec. 9031.0306. NO EMINENT DOMAIN POWER. The district may
 5-69 not exercise the power of eminent domain.

6-1 (b) This section is not intended to be an expression of a
6-2 legislative interpretation of the requirements of Section 17(c),
6-3 Article I, Texas Constitution.

6-4 SECTION 5. This Act takes effect immediately if it receives
6-5 a vote of two-thirds of all the members elected to each house, as
6-6 provided by Section 39, Article III, Texas Constitution. If this
6-7 Act does not receive the vote necessary for immediate effect, this
6-8 Act takes effect September 1, 2021.

6-9

* * * * *