

1-1 By: Taylor S.B. No. 2146
 1-2 (In the Senate - Filed March 18, 2021; April 1, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 21, 2021, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 21, 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 Brazoria County Municipal Utility
 1-20 District No. 80; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 8152 to read as follows:

1-26 CHAPTER 8152. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 80
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 8152.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.
 1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.
 1-33 (4) "District" means the Brazoria County Municipal
 1-34 Utility District No. 80.

1-35 Sec. 8152.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 8152.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 8152.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 8152.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district.

1-48 Sec. 8152.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:
 1-51 (1) a municipal utility district as provided by
 1-52 general law and Section 59, Article XVI, Texas Constitution; and
 1-53 (2) Section 52, Article III, Texas Constitution, that
 1-54 relate to the construction, acquisition, improvement, operation,
 1-55 or maintenance of macadamized, graveled, or paved roads, or
 1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 8152.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-58 district is initially composed of the territory described by
 1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
 1-61 the Act enacting this chapter form a closure. A mistake made in the

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:
 2-3 (1) organization, existence, or validity;
 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
 2-7 (3) right to impose a tax; or
 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 8152.0201. GOVERNING BODY; TERMS. (a) The district is
 2-11 governed by a board of five elected directors.

2-12 (b) Except as provided by Section 8152.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 8152.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-15 board consists of:

- 2-16 (1) Jason Keith;
- 2-17 (2) Michelle Cantone;
- 2-18 (3) Karin Eveslage;
- 2-19 (4) Naomi Eynon; and
- 2-20 (5) Peggy Bredehoft.

2-21 (b) Temporary directors serve until the earlier of:

2-22 (1) the date permanent directors are elected under
 2-23 Section 8152.0103; or

2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 8152.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

2-31 (1) the date permanent directors are elected under
 2-32 Section 8152.0103; or

2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 8152.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 8152.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 8152.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-52 52, Article III, Texas Constitution, the district may design,
 2-53 acquire, construct, finance, issue bonds for, improve, operate,
 2-54 maintain, and convey to this state, a county, or a municipality for
 2-55 operation and maintenance macadamized, graveled, or paved roads, or
 2-56 improvements, including storm drainage, in aid of those roads.

2-57 Sec. 8152.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-58 road project must meet all applicable construction standards,
 2-59 zoning and subdivision requirements, and regulations of each
 2-60 municipality in whose corporate limits or extraterritorial
 2-61 jurisdiction the road project is located.

2-62 (b) If a road project is not located in the corporate limits
 2-63 or extraterritorial jurisdiction of a municipality, the road
 2-64 project must meet all applicable construction standards,
 2-65 subdivision requirements, and regulations of each county in which
 2-66 the road project is located.

2-67 (c) If the state will maintain and operate the road, the
 2-68 Texas Transportation Commission must approve the plans and
 2-69 specifications of the road project.

3-1 Sec. 8152.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-2 ORDINANCE OR RESOLUTION. The district shall comply with all
3-3 applicable requirements of any ordinance or resolution that is
3-4 adopted under Section 54.016 or 54.0165, Water Code, and that
3-5 consents to the creation of the district or to the inclusion of land
3-6 in the district.

3-7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-8 Sec. 8152.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-9 The district may issue, without an election, bonds and other
3-10 obligations secured by:

3-11 (1) revenue other than ad valorem taxes; or

3-12 (2) contract payments described by Section 8152.0403.

3-13 (b) The district must hold an election in the manner
3-14 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-15 before the district may impose an ad valorem tax or issue bonds
3-16 payable from ad valorem taxes.

3-17 (c) The district may not issue bonds payable from ad valorem
3-18 taxes to finance a road project unless the issuance is approved by a
3-19 vote of a two-thirds majority of the district voters voting at an
3-20 election held for that purpose.

3-21 Sec. 8152.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-22 authorized at an election held under Section 8152.0401, the
3-23 district may impose an operation and maintenance tax on taxable
3-24 property in the district in accordance with Section 49.107, Water
3-25 Code.

3-26 (b) The board shall determine the tax rate. The rate may not
3-27 exceed the rate approved at the election.

3-28 Sec. 8152.0403. CONTRACT TAXES. (a) In accordance with
3-29 Section 49.108, Water Code, the district may impose a tax other than
3-30 an operation and maintenance tax and use the revenue derived from
3-31 the tax to make payments under a contract after the provisions of
3-32 the contract have been approved by a majority of the district voters
3-33 voting at an election held for that purpose.

3-34 (b) A contract approved by the district voters may contain a
3-35 provision stating that the contract may be modified or amended by
3-36 the board without further voter approval.

3-37 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-38 Sec. 8152.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-39 OBLIGATIONS. The district may issue bonds or other obligations
3-40 payable wholly or partly from ad valorem taxes, impact fees,
3-41 revenue, contract payments, grants, or other district money, or any
3-42 combination of those sources, to pay for any authorized district
3-43 purpose.

3-44 Sec. 8152.0502. TAXES FOR BONDS. At the time the district
3-45 issues bonds payable wholly or partly from ad valorem taxes, the
3-46 board shall provide for the annual imposition of a continuing
3-47 direct ad valorem tax, without limit as to rate or amount, while all
3-48 or part of the bonds are outstanding as required and in the manner
3-49 provided by Sections 54.601 and 54.602, Water Code.

3-50 Sec. 8152.0503. BONDS FOR ROAD PROJECTS. At the time of
3-51 issuance, the total principal amount of bonds or other obligations
3-52 issued or incurred to finance road projects and payable from ad
3-53 valorem taxes may not exceed one-fourth of the assessed value of the
3-54 real property in the district.

3-55 SECTION 2. The Brazoria County Municipal Utility District
3-56 No. 80 initially includes all the territory contained in the
3-57 following area:

3-58 TRACT 1

3-59 Being 28.703 acres of land out of the Charles Hays Survey,
3-60 Section No. 8, Abstract No. 534, Brazoria County, Texas, being
3-61 29.749 acres, less, save, and except 1.046 acres, as described
3-62 below:

3-63 Being 29.749 acres of land, BEGINNING at a 3/4 inch diameter
3-64 iron pipe found for the southeast corner of a called 2.7475 Acre
3-65 tract (Brazoria County Clerk File No. 98-035620), with said corner
3-66 being in the westerly right-of-way line of State Highway No. 288
3-67 (width varies);

3-68 THENCE South 9 degrees 41 minutes 26 seconds East, a distance
3-69 of 884.06 feet to a point for corner;

4-1 THENCE South 86 degrees 6 minutes 0 seconds West, a distance
4-2 of 1218.88 feet to a point for corner;
4-3 THENCE North 4 degrees 59 minutes 49 seconds West, a distance
4-4 of 1241.56 feet to a point for corner;
4-5 THENCE North 86 degrees 25 minutes 46 seconds East, a
4-6 distance of 714.33 feet to a point for corner;
4-7 THENCE South 3 degrees 42 minutes 42 seconds East, a distance
4-8 of 357.17 feet to a point for corner;
4-9 THENCE North 86 degrees 10 minutes 0 seconds East, a distance
4-10 of 440.31 feet to the POINT OF BEGINNING and containing 29.749 acres
4-11 of land, more or less.
4-12 LESS, SAVE, AND EXCEPT 1.046 acres of land, as described
4-13 below:
4-14 COMMENCING at the 3/4 inch diameter iron rod found for the
4-15 northwest corner of said 29.749 acre tract in the southerly
4-16 right-of-way of State Farm to Market Highway No. 1462 (FM 1462);
4-17 Thence South 4 Degrees 28 Minutes 30 Seconds East, a distance of
4-18 419.00 feet along the westerly line of said 29.749 acre tract to a
4-19 one inch outside diameter iron pipe found for reference; Thence
4-20 North 85 degrees 31 Minutes 30 Seconds East a distance of 40.29 feet
4-21 to a 3/8 inch iron rod found for the northwest corner and POINT OF
4-22 BEGINNING for this 1.046 acre tract:
4-23 THENCE South 64 degrees 29 minutes 18 seconds East, a
4-24 distance of 130.00, to a point for corner;
4-25 THENCE North 85 degrees 30 minutes 42 seconds East, a
4-26 distance of 147.22, to a point for corner;
4-27 THENCE South 4 degrees 29 minutes 18 seconds East, a distance
4-28 of 105.00, to a point for corner;
4-29 THENCE South 85 degrees 30 minutes 42 seconds West, a
4-30 distance of 34.64, to a point for corner;
4-31 THENCE South 55 degrees 30 minutes 42 seconds West, a
4-32 distance of 260.00 feet, to a point for corner;
4-33 THENCE North 4 degrees 29 minutes 18 seconds West, a distance
4-34 of 300.00 feet to the POINT OF BEGINNING or herein described 1.046
4-35 acre tract, which is save and excepted from the overall
4-36 description, leaving 28.703 net acres of land.
4-37 TRACT 2
4-38 Being 74.337 acres of land in the H.T. & B. Railroad Company
4-39 Survey, Section No. 9, Abstract No. 238 and the Charles M. Hayes
4-40 Survey (H.T.&B. Railroad Company Survey, Section No. 8), Abstract
4-41 No. 534, Brazoria County, Texas, as described below:
4-42 BEGINNING at a concrete monument found in the westerly
4-43 right-of-way line of State Highway No. 288 (SH288) (width varies)
4-44 and being the northeast corner of a called 74.33 acre tract (Tract
4-45 I, Brazoria County Clerk File No. 03-064681);
4-46 THENCE southeasterly, along the westerly right-of-way of
4-47 SH288, South 5 degrees 49 minutes 2 seconds East, a distance of
4-48 1947.71 feet to a concrete monument found for corner;
4-49 THENCE southeasterly along the westerly right-of-way of
4-50 SH288 and a curve to the right, having a radius of 11249.16, a delta
4-51 angle of 2 degrees 17 minutes 57 seconds, and whose long chord bears
4-52 South 4 degrees 40 minutes 4 seconds East, a distance of 451.38 feet
4-53 to a point for corner;
4-54 THENCE southeasterly, along the westerly right-of-way of
4-55 SH288, South 3 degrees 31 minutes 5 seconds East, a distance of
4-56 190.13 feet, to a point for the southeast corner of said 74.337 acre
4-57 tract;
4-58 THENCE South 87 degrees 24 minutes 20 seconds West, a
4-59 distance of 1318.57 feet, to a point for the southwest corner of
4-60 said 74.337 acre tract;
4-61 THENCE North 2 degrees 28 minutes 16 seconds West, a distance
4-62 of 1673.38 feet, to a point for corner;
4-63 THENCE North 5 degrees 29 minutes 27 seconds West, a distance
4-64 of 263.30 feet, to a point for corner;
4-65 THENCE North 0 degrees 46 minutes 11 seconds East, a distance
4-66 of 550.12 feet, to a point for corner;
4-67 THENCE North 33 degrees 26 minutes 58 seconds East, a
4-68 distance of 99.38 feet, to a point for corner;
4-69 THENCE North 86 degrees 22 minutes 28 seconds East, a

5-1 distance of 1108.80 feet, to the POINT OF BEGINNING and containing
5-2 74.337 acres of land, more or less.

5-3 TRACT 3

5-4 Being 60.32 acres of land out of Lots 6 and 7 of the Bogart and
5-5 Taylor subdivision of the west 1/2 of the W.D.C. Hall League,
5-6 Abstract 69 according to the plat recorded in Volume 1, Page 64 of
5-7 the Map Records of Brazoria County (B.C.M.R.), Texas, and being
5-8 more particularly described by metes and bounds as follows:

5-9 BEGINNING at a found 1/2" iron rod with a cap in the northeast
5-10 corner of Lot 7, said point being in the south lines of that called
5-11 74.33 acre tract described by deed recorded in BCCF No. 03-064681
5-12 (therein called "Tract 1") out of the CM Hays Survey, Section 8,
5-13 A-534, with said point also being the northeast corner of this tract
5-14 on the west right-of-way line of State Highway 288 and the point of
5-15 beginning;

5-16 THENCE, S 03°00'50" E, along the west right-of-way line of
5-17 State Highway 288, a distance of 2,622.00 feet to a set 1/2" iron
5-18 rod with cap for the southeast corner of this tract on the north
5-19 right-of-way line of Adams Road / County Road 841, a public road,
5-20 presently unopened;

5-21 THENCE S 86°57'02" W, along the north right-of-way line of
5-22 Adams Road, a distance of 1,000.00 feet for the southwest corner of
5-23 this tract, said point also being located in the south lines of Lot
5-24 6;

5-25 THENCE N 03°00'50" W, a distance of 2,633.04 feet for the
5-26 northwest corner of this tract, said point being in the said south
5-27 lines of the 74.33 acre tract;

5-28 THENCE N 87°35'00" E, along the north line of Lots 6 and 7,
5-29 same being the said south lines of 74.33 acre tract, a distance of
5-30 1,000.05 feet to the point of beginning and containing 60.32 acres
5-31 of land, more or less, and being a part of the same property
5-32 described in the deed "Tract B" as described in the Clerk's File
5-33 No. 2008-037928 of Brazoria County, Texas, to which deed and the
5-34 record thereof reference is here made for all appropriate purposes.

5-35 TRACT 4

5-36 Being 61.01 acres of land out of Lots 8 and 9 of the Bogart and
5-37 Taylor subdivision of the west 1/2 of the W.D.C. Hall League,
5-38 Abstract 69 according to the plat recorded in Volume 1, Page 64 of
5-39 the Map Records of Brazoria County, Texas (B.C.M.R.), and being more
5-40 particularly described by metes and bounds as follows:

5-41 BEGINNING at a set 1/2" iron rod with a cap in the northeast
5-42 corner of Lot 8, set on the south right-of way line of Adams Road /
5-43 County Road 841, a public road, presently unopened, for the
5-44 northeast corner of this tract on the west right-of-way line of
5-45 State Highway 288 and the point of beginning;

5-46 THENCE, S 03°00'50" E, along the west right-of-way line of
5-47 State Highway 288, a distance of 2,657.53 feet to the southeast
5-48 corner of this tract, said point lying in the centerline of Ditch
5-49 316-00-00 as recorded in Iowa Colony Drainage District No. 5;

5-50 THENCE S 86°57'14" W, along said Ditch 316-00-00, same being
5-51 the south lines of Lots 8 and 9, a distance of 1,000.00 feet for the
5-52 southwest corner of this tract;

5-53 THENCE N 03°00'50" W, a distance of 2,657.47 feet for the
5-54 northwest corner of this tract, said point being in the aforesaid
5-55 south line of the public road;

5-56 THENCE N 86°57'02" E, along the north line of Lots 8 and 9,
5-57 same being the said south line of the public road, a distance of
5-58 1,000.00 feet to the point of beginning and containing 61.01 acres
5-59 of land, more or less, and being a part of the same property
5-60 described in the deed "Tract B" as described in the Clerk's File
5-61 No. 2008-037928 of Brazoria County, Texas, to which deed and the
5-62 record thereof reference is here made for all appropriate purposes.

5-63 SECTION 3. (a) The legal notice of the intention to
5-64 introduce this Act, setting forth the general substance of this
5-65 Act, has been published as provided by law, and the notice and a
5-66 copy of this Act have been furnished to all persons, agencies,
5-67 officials, or entities to which they are required to be furnished
5-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-69 Government Code.

6-1 (b) The governor, one of the required recipients, has
6-2 submitted the notice and Act to the Texas Commission on
6-3 Environmental Quality.

6-4 (c) The Texas Commission on Environmental Quality has filed
6-5 its recommendations relating to this Act with the governor, the
6-6 lieutenant governor, and the speaker of the house of
6-7 representatives within the required time.

6-8 (d) All requirements of the constitution and laws of this
6-9 state and the rules and procedures of the legislature with respect
6-10 to the notice, introduction, and passage of this Act are fulfilled
6-11 and accomplished.

6-12 SECTION 4. (a) If this Act does not receive a two-thirds
6-13 vote of all the members elected to each house, Subchapter C, Chapter
6-14 8152, Special District Local Laws Code, as added by Section 1 of
6-15 this Act, is amended by adding Section 8152.0306 to read as follows:

6-16 Sec. 8152.0306. NO EMINENT DOMAIN POWER. The district may
6-17 not exercise the power of eminent domain.

6-18 (b) This section is not intended to be an expression of a
6-19 legislative interpretation of the requirements of Section 17(c),
6-20 Article I, Texas Constitution.

6-21 SECTION 5. This Act takes effect immediately if it receives
6-22 a vote of two-thirds of all the members elected to each house, as
6-23 provided by Section 39, Article III, Texas Constitution. If this
6-24 Act does not receive the vote necessary for immediate effect, this
6-25 Act takes effect September 1, 2021.

6-26

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