

By: Kolkhorst

S.B. No. 2152

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Fort Bend County Municipal Utility
3 District No. 232; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 fees and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7907A to read as follows:

9 CHAPTER 7907A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO.

10 232

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 7907A.0101. DEFINITIONS. In this chapter:

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

14 (2) "Commission" means the Texas Commission on
15 Environmental Quality.

16 (3) "Director" means a board member.

17 (4) "District" means the Fort Bend County Municipal
18 Utility District No. 232.

19 Sec. 7907A.0102. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 7907A.0103. CONFIRMATION AND DIRECTOR ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7907A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7907A.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. 7907A.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 municipal utility district as provided by
12 general law and Section 59, Article XVI, Texas Constitution; and

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

17 Sec. 7907A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 7907A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7907A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7907A.0202. TEMPORARY DIRECTORS. (a) On or after the
9 effective date of the Act enacting this chapter, the owner or owners
10 of a majority of the assessed value of the real property in the
11 district may submit a petition to the commission requesting that
12 the commission appoint as temporary directors the five persons
13 named in the petition. The commission shall appoint as temporary
14 directors the five persons named in the petition.

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

16 (1) the date permanent directors are elected under
17 Section 7907A.0103; or

18 (2) the fourth anniversary of the effective date of
19 the Act enacting this chapter.

20 (c) If permanent directors have not been elected under
21 Section 7907A.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 7907A.0103; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a
3 majority of the assessed value of the real property in the district
4 may submit a petition to the commission requesting that the
5 commission appoint as successor temporary directors the five
6 persons named in the petition. The commission shall appoint as
7 successor temporary directors the five persons named in the
8 petition.

9 Sec. 7907A.0203. DESIGNATED BOARD MEETING LOCATION. (a)
10 The board shall designate a meeting place inside the district for
11 conducting the meetings of the board. The meeting place designated
12 may be a private residence or office, provided that, in the order
13 designating the meeting place, the board declares the place where
14 the meeting is held to be a public place and invites the public to
15 attend any meeting of the board held in that place.

16 (b) If the board establishes that no suitable place exists
17 for meeting inside the district, the board may designate a meeting
18 place outside the district. The board shall give notice of the
19 location of a meeting place outside the district by:

20 (1) filing a copy of the resolution designating the
21 location and a justification of why the meeting will not be held in
22 the district or within 10 miles of the boundary of the district, if
23 applicable, with the commission; and

24 (2) publishing notice of the location in a newspaper
25 of general circulation in the district.

26 (c) If the board changes the location of a meeting place
27 outside the district, the board shall give notice of the change in

1 the manner described by Subsection (b).

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 7907A.0301. GENERAL POWERS AND DUTIES. The district
4 has the powers and duties necessary to accomplish the purposes for
5 which the district is created.

6 Sec. 7907A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
7 DUTIES. The district has the powers and duties provided by the
8 general law of this state, including Chapters 49 and 54, Water Code,
9 applicable to municipal utility districts created under Section 59,
10 Article XVI, Texas Constitution.

11 Sec. 7907A.0303. AUTHORITY FOR ROAD PROJECTS. Under
12 Section 52, Article III, Texas Constitution, the district may
13 design, acquire, construct, finance, issue bonds for, improve,
14 operate, maintain, and convey to this state, a county, or a
15 municipality for operation and maintenance macadamized, graveled,
16 or paved roads, or improvements, including storm drainage, in aid
17 of those roads.

18 Sec. 7907A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
19 road project must meet all applicable construction standards,
20 zoning and subdivision requirements, and regulations of each
21 municipality in whose corporate limits or extraterritorial
22 jurisdiction the road project is located.

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

1 (c) If the state will maintain and operate the road, the
2 Texas Transportation Commission must approve the plans and
3 specifications of the road project.

4 Sec. 7907A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
5 ORDINANCE OR RESOLUTION. The district shall comply with all
6 applicable requirements of any ordinance or resolution that is
7 adopted under Section 54.016 or 54.0165, Water Code, and that
8 consents to the creation of the district or to the inclusion of land
9 in the district.

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 7907A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
12 The district may issue, without an election, bonds and other
13 obligations secured by:

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

15 (2) contract payments described by Section
16 7907A.0403.

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

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

25 Sec. 7907A.0402. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 7907A.0401, the
27 district may impose an operation and maintenance tax on taxable

1 property in the district in accordance with Section 49.107, Water
2 Code.

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

5 Sec. 7907A.0403. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

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

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 7907A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, contract payments, grants, or other district money, or any
19 combination of those sources, to pay for any authorized district
20 purpose.

21 Sec. 7907A.0502. TAXES FOR BONDS. At the time the district
22 issues bonds payable wholly or partly from ad valorem taxes, the
23 board shall provide for the annual imposition of a continuing
24 direct ad valorem tax, without limit as to rate or amount, while all
25 or part of the bonds are outstanding as required and in the manner
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 7907A.0503. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations
2 issued or incurred to finance road projects and payable from ad
3 valorem taxes may not exceed one-fourth of the assessed value of the
4 real property in the district.

5 SECTION 2. The Fort Bend County Municipal Utility District
6 No. 232 initially includes all the territory contained in the
7 following area:

8 Being a 100.5 acre tract of land located in the R.H. Earnest
9 Survey, A-388, said 100.5 acre tract being all of a called 100.5
10 acre tract of land conveyed to Jason Noah and Benjamin Adam Danziger
11 in Clerk's File No. 2012117049 of the Official Public Records of
12 Fort Bend County, Texas (O.R.F.B.C.); said 100.5 acre tract being
13 more particularly described by metes and bounds as follows: (All
14 bearings reference to the Texas State Plane Coordinate System,
15 South Central Zone).

16 COMMENCING at a 1-1/4" iron pipe found for the east corner of a
17 called 55.048 acre tract described in the deed to LGI Homes-Sunrise
18 Meadow, LTD. in Clerk's File No. 2005048299 of the O.R.F.B.C.,
19 common to the south corner of a called 136.6 acre tract described in
20 the deed to Sabas Cortez in Volume 216, Page 322, of the Deed
21 Records of Fort Bend County, Texas;

22 Thence North 47° 56' 48" West - 2,057.42' along the north line of
23 said 55.048 acre tract, the north line of a called 55.06295 acre
24 tract described in the deed to Bruce Mahlmann in Clerk's File No.
25 9780631 of the O.R.F.B.C. and the northwest line of a called 89.24
26 acre tract described in the deed to R. W. Lindsey in Volume 469,
27 Page 284, of the Deed Records of Fort Bend County, Texas, common to

1 the southwest line of said 136.6 acre tract, to a 3/4" iron rod set
2 for the south corner and POINT OF BEGINNING of the herein described
3 tract, common to the south corner of said 100.5 acre tract and the
4 west corner of said 136.6 acre tract, from which a found 1-1/4" iron
5 pip bears North 23° 51' 01" East - 0.71';

6 THENCE North 47° 56' 48" West - 1,522.95' (called North 44° 48' 38"
7 West), along the southwest line of said 100.5 acre tract, common to
8 the northeast line of said 89.24 acre tract and the northeast line
9 of a called 89.011 acre tract described in the deed to Paul Nelson
10 Danzinger recorded in Clerk's File No. 200125881 of the O.R.F.B.C.,
11 to the west corner of the herein described tract, common to the west
12 corner of said 100.5 acre tract and the south corner of a called
13 17.99 acre tract described in the deed to Willie Drabek recorded in
14 Volume 1011, Page 841, of the Deed Records of Fort Bend County,
15 Texas, from which a found 3/4" iron pipe bears South 42° 01' 12" West
16 - 0.35'

17 THENCE North 42° 01' 12" East - 2,871.04' (called North 45° 11' 37"
18 East), along the northwest line of said 100.5 acre tract, common to
19 the southeast line of said 17.99 acre tract, at 2,210.59' passing a
20 found 1" iron pipe (in concrete) on the south side of Koeblen Road,
21 continuing in Koeblen Road to a 1/2" iron pipe found for the north
22 corner of said 100.5 acre tract in Koeblen Road;

23 THENCE South 48° 10' 25" East - 1,524.25' (called South 45° 00'
24 East), along the northeast line of said 100.5 acre tract in Koeblen
25 Road to a PK nail found for the east corner of the herein described
26 tract;

27 THENCE South 42° 02' 45" West - 2,877.08' (called South 45° 13' 10"

1 West - 2,876.08') along the northeast line of said 100.5 acre tract,
2 at 31.70' passing a 5/8" steel rod, continuing to the POINT OF
3 BEGINNING of the herein described tract and containing 100.5 acres
4 of land, more or less.

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

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

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

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

23 SECTION 4. (a) If this Act does not receive a two-thirds
24 vote of all the members elected to each house, Subchapter C, Chapter
25 7907A, Special District Local Laws Code, as added by Section 1 of
26 this Act, is amended by adding Section 7907A.0306 to read as
27 follows:

1 Sec. 7907A.0306. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

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

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