

By: Creighton

S.B. No. 2197

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 183; 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 7910A to read as follows:

CHAPTER 7910A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 183

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7910A.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 Montgomery County Municipal Utility District No. 183.

Sec. 7910A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7910A.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. 7910A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 7910A.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. 7910A.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. 7910A.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. 7910A.0201. GOVERNING BODY; TERMS. (a) The district  
5 is governed by a board of five elected directors.

6           (b) Except as provided by Section 7910A.0202, directors  
7 serve staggered four-year terms.

8           Sec. 7910A.0202. TEMPORARY DIRECTORS. (a) The temporary  
9 board consists of:

10           (1) Stephanie King;

11           (2) Rose Clay;

12           (3) Stephen Jones;

13           (4) Jennie Barber; and

14           (5) James Holt.

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

16           (1) the date permanent directors are elected under  
17 Section 7910A.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 7910A.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 7910A.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 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7910A.0301. GENERAL POWERS AND DUTIES. The district  
11 has the powers and duties necessary to accomplish the purposes for  
12 which the district is created.

13 Sec. 7910A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
14 DUTIES. The district has the powers and duties provided by the  
15 general law of this state, including Chapters 49 and 54, Water Code,  
16 applicable to municipal utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

18 Sec. 7910A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
19 Section 52, Article III, Texas Constitution, the district may  
20 design, acquire, construct, finance, issue bonds for, improve,  
21 operate, maintain, and convey to this state, a county, or a  
22 municipality for operation and maintenance macadamized, graveled,  
23 or paved roads, or improvements, including storm drainage, in aid  
24 of those roads.

25 Sec. 7910A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
26 road project must meet all applicable construction standards,  
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial  
2 jurisdiction the road project is located.

3 (b) If a road project is not located in the corporate limits  
4 or extraterritorial jurisdiction of a municipality, the road  
5 project must meet all applicable construction standards,  
6 subdivision requirements, and regulations of each county in which  
7 the road project is located.

8 (c) If the state will maintain and operate the road, the  
9 Texas Transportation Commission must approve the plans and  
10 specifications of the road project.

11 Sec. 7910A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
12 ORDINANCE OR RESOLUTION. The district shall comply with all  
13 applicable requirements of any ordinance or resolution that is  
14 adopted under Section 54.016 or 54.0165, Water Code, and that  
15 consents to the creation of the district or to the inclusion of land  
16 in the district.

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 7910A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
19 The district may issue, without an election, bonds and other  
20 obligations secured by:

21 (1) revenue other than ad valorem taxes; or  
22 (2) contract payments described by Section  
23 7910A.0403.

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

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

5       Sec. 7910A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
6 authorized at an election held under Section 7910A.0401, the  
7 district may impose an operation and maintenance tax on taxable  
8 property in the district in accordance with Section 49.107, Water  
9 Code.

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

12       Sec. 7910A.0403. CONTRACT TAXES. (a) In accordance with  
13 Section 49.108, Water Code, the district may impose a tax other than  
14 an operation and maintenance tax and use the revenue derived from  
15 the tax to make payments under a contract after the provisions of  
16 the contract have been approved by a majority of the district voters  
17 voting at an election held for that purpose.

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

21               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22       Sec. 7910A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
23 OBLIGATIONS. The district may issue bonds or other obligations  
24 payable wholly or partly from ad valorem taxes, impact fees,  
25 revenue, contract payments, grants, or other district money, or any  
26 combination of those sources, to pay for any authorized district  
27 purpose.

1       Sec. 7910A.0502. TAXES FOR BONDS. At the time the district  
2 issues bonds payable wholly or partly from ad valorem taxes, the  
3 board shall provide for the annual imposition of a continuing  
4 direct ad valorem tax, without limit as to rate or amount, while all  
5 or part of the bonds are outstanding as required and in the manner  
6 provided by Sections 54.601 and 54.602, Water Code.

7       Sec. 7910A.0503. BONDS FOR ROAD PROJECTS. At the time of  
8 issuance, the total principal amount of bonds or other obligations  
9 issued or incurred to finance road projects and payable from ad  
10 valorem taxes may not exceed one-fourth of the assessed value of the  
11 real property in the district.

12       SECTION 2. The Montgomery County Municipal Utility District  
13 No. 183 initially includes all the territory contained in the  
14 following area:

15       TRACT 1:

16       Being 389.92 acres of land in the Mary Corner Survey,  
17 Abstract 9, Montgomery County, Texas, and being a portion of the  
18 called 390.786 acre tract described in the deed from Lucie McComb  
19 Dunwoody Brand to Charles Traylor Dunwoody recorded under Volume  
20 795, Page 31 of the Official Public Records of Real Property of  
21 Montgomery County, Texas, and being all of the called 31.4975 acre  
22 tract described in the deed from Jatex Development, Inc. to McComb  
23 Realty I, Ltd. recorded in Document Number 9736794 of the Official  
24 Public Records of Real Property of Montgomery County, Texas and  
25 described by metes and bounds as follows with bearings based on the  
26 Texas Coordinate System of 1983, Central Zone:

27       BEGINNING at a 1-1/2-inch iron pipe found for the most

1 northerly corner of said 390.786 acre tract and of the herein  
2 described tract and being on the southwesterly right-of-way line of  
3 Old Highway 105 based on a 60-foot width;

- 4       THENCE South 50° 18' 11" East - 348.50 feet to a point;
- 5       THENCE South 26° 42' 49" West - 1078.00 feet to a point;
- 6       THENCE South 47° 30' 40" East - 819.26 feet to a point;
- 7       THENCE South 03° 48' 16" East - 1343.81 feet to a point;
- 8       THENCE North 85° 58' 49" East - 640.62 feet to a point;
- 9       THENCE South 03° 41' 11" East - 39.95 feet to a point;
- 10       THENCE South 85° 55' 33" West - 424.41 feet to a point;
- 11       THENCE South 07° 36' 26" East - 498.44 feet to a point;
- 12       THENCE South 86° 03' 59" West - 206.07 feet to a point;
- 13       THENCE South 68° 37' 04" West - 751.70 feet to a point;
- 14       THENCE South 74° 53' 07" West - 217.57 feet to a point;
- 15       THENCE South 02° 17' 08" West - 623.47 feet to a point;
- 16       THENCE South 04° 05' 40" East - 2015.27 feet to a point;
- 17       THENCE North 87° 07' 00" West - 369.58 feet to a point;
- 18       THENCE North 03° 27' 53" West - 601.48 feet to a point;
- 19       THENCE North 87° 08' 11" West - 2333.30 feet to a point;
- 20       THENCE North 87° 12' 22" West - 1158.38 feet to a point;
- 21       THENCE South 01° 53' 42" East - 590.49 feet to a point;
- 22       THENCE North 87° 22' 08" West - 496.92 feet to a point;
- 23       THENCE North 02° 51' 12" West - 694.60 feet to a point;
- 24       THENCE North 50° 50' 05" East - 746.39 feet to a point;
- 25       THENCE North 03° 24' 42" West - 149.97 feet to a point;
- 26       THENCE North 86° 34' 44" East - 1064.74 feet to a point;
- 27       THENCE North 02° 33' 01" West - 3620.62 feet to a point;



1           THENCE North 86° 34' 58" East - 2003.88 feet to a point;  
2           THENCE North 43° 20' 39" East - 1701.57 feet to a point and the  
3 POINT OF BEGINNING of the herein described tract and containing  
4 389.92 acres of land.

5           TRACT 2:

6           Being 4.01 acres of land in the Mary Corner Survey, Abstract  
7 9, Montgomery County, Texas, and being the called 4.0 acre tract  
8 described in the deed to Peggie Lee Cooper, recorded under Volume  
9 1124, Page 206 (Doc. No. 7910888) of the Official Public Records of  
10 Real Property of Montgomery County, Texas, and described by metes  
11 and bounds as follows with bearings based on the Texas Coordinate  
12 System of 1983, Central Zone:

13           BEGINNING at a point in the west end of the right-of-way of  
14 Hill Drive and being the northeast corner of herein described  
15 tract;

16           THENCE South 07° 36' 26" East - 290.73 feet to a point;

17           THENCE South 86° 08' 34" West - 208.71 feet to a point;

18           THENCE South 07° 36' 26" East - 208.71 feet to a point;

19           THENCE South 86° 08' 34" West - 229.35 feet to a point;

20           THENCE North 07° 36' 26" West - 498.44 feet to a point;

21           THENCE North 85° 55' 33" East - 437.95 feet to a point and the  
22 POINT OF BEGINNING of the herein described tract and containing  
23 4.01 acres of land.

24           SECTION 3. (a) The legal notice of the intention to  
25 introduce this Act, setting forth the general substance of this  
26 Act, has been published as provided by law, and the notice and a  
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished  
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3 Government Code.

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

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

11 (d) All requirements of the constitution and laws of this  
12 state and the rules and procedures of the legislature with respect  
13 to the notice, introduction, and passage of this Act are fulfilled  
14 and accomplished.

15 SECTION 4. (a) If this Act does not receive a two-thirds  
16 vote of all the members elected to each house, Subchapter C, Chapter  
17 7910A, Special District Local Laws Code, as added by Section 1 of  
18 this Act, is amended by adding Section 7910A.0306 to read as  
19 follows:

20 Sec. 7910A.0306. NO EMINENT DOMAIN POWER. The district may  
21 not exercise the power of eminent domain.

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

25 SECTION 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.