

By: Kolkhorst

S.B. No. 2215

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 253; 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 7940A to read as follows:

CHAPTER 7940A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 253

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7940A.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 Fort Bend County Municipal Utility District No. 253.

Sec. 7940A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7940A.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 directors as provided by Section 49.102, Water Code.

1 Sec. 7940A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7940A.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 7940A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

10 (1) a municipal utility district as provided by
11 general law and Section 59, Article XVI, Texas Constitution; and

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

16 Sec. 7940A.0106. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7940A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7940A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7940A.0202. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 7940A.0103; or

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

19 (c) If permanent directors have not been elected under
20 Section 7940A.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7940A.0103; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7940A.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7940A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7940A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve,
20 operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads, or improvements, including storm drainage, in aid
23 of those roads.

24 Sec. 7940A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

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

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

10 Sec. 7940A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 Sec. 7940A.0306. DIVISION OF DISTRICT. (a) The district
17 may be divided into two or more new districts only if the district:

18 (1) has no outstanding bonded debt; and

19 (2) is not imposing ad valorem taxes.

20 (b) This chapter applies to any new district created by the
21 division of the district, and a new district has all the powers and
22 duties of the district.

23 (c) A new district created by the division of the district
24 may not, at the time the new district is created, contain any land
25 outside the area described by Section 2 of the Act enacting this
26 chapter.

27 (d) The board, on its own motion or on receipt of a petition

1 signed by the owner or owners of a majority of the assessed value of
2 the real property in the district, may adopt an order dividing the
3 district.

4 (e) The board may adopt an order dividing the district
5 before or after the date the board holds an election under Section
6 7940A.0103 to confirm the district's creation.

7 (f) An order dividing the district shall:

8 (1) name each new district;

9 (2) include the metes and bounds description of the
10 territory of each new district;

11 (3) appoint temporary directors for each new district;

12 and

13 (4) provide for the division of assets and liabilities
14 between the new districts.

15 (g) On or before the 30th day after the date of adoption of
16 an order dividing the district, the district shall file the order
17 with the commission and record the order in the real property
18 records of each county in which the district is located.

19 (h) Any new district created by the division of the district
20 shall hold a confirmation and directors' election as required by
21 Section 7940A.0103.

22 (i) If the creation of the new district is confirmed, the
23 new district shall provide the election date and results to the
24 commission.

25 (j) Any new district created by the division of the district
26 must hold an election as required by this chapter to obtain voter
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

2 (k) Municipal consent to the creation of the district and to
3 the inclusion of land in the district granted under Section
4 7940A.0104 acts as municipal consent to the creation of any new
5 district created by the division of the district and to the
6 inclusion of land in the new district.

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 7940A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
9 The district may issue, without an election, bonds and other
10 obligations secured by:

- 11 (1) revenue other than ad valorem taxes; or
12 (2) contract payments described by Section
13 7940A.0403.

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

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

22 Sec. 7940A.0402. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized at an election held under Section 7940A.0401, the
24 district may impose an operation and maintenance tax on taxable
25 property in the district in accordance with Section 49.107, Water
26 Code.

27 (b) The board shall determine the tax rate. The rate may not

1 exceed the rate approved at the election.

2 Sec. 7940A.0403. CONTRACT TAXES. (a) In accordance with
3 Section 49.108, Water Code, the district may impose a tax other than
4 an operation and maintenance tax and use the revenue derived from
5 the tax to make payments under a contract after the provisions of
6 the contract have been approved by a majority of the district voters
7 voting at an election held for that purpose.

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

11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

12 Sec. 7940A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. The district may issue bonds or other obligations
14 payable wholly or partly from ad valorem taxes, impact fees,
15 revenue, contract payments, grants, or other district money, or any
16 combination of those sources, to pay for any authorized district
17 purpose.

18 Sec. 7940A.0502. TAXES FOR BONDS. At the time the district
19 issues bonds payable wholly or partly from ad valorem taxes, the
20 board shall provide for the annual imposition of a continuing
21 direct ad valorem tax, without limit as to rate or amount, while all
22 or part of the bonds are outstanding as required and in the manner
23 provided by Sections 54.601 and 54.602, Water Code.

24 Sec. 7940A.0503. BONDS FOR ROAD PROJECTS. At the time of
25 issuance, the total principal amount of bonds or other obligations
26 issued or incurred to finance road projects and payable from ad
27 valorem taxes may not exceed one-fourth of the assessed value of the

1 real property in the district.

2 SECTION 2. The Fort Bend County Municipal Utility District
3 No. 253 initially includes all the territory contained in the
4 following area:

5 A 854.6 ACRE TRACT OF LAND IN THE H. & T.C. RR. CO. SURVEY,
6 SECTION 6, ABSTRACT NO. 553, 612, AND 535, AND IN THE H. & T. C. RR.
7 CO. SURVEY SETION 5, ABSTRACT NO. 209 FORT BEND COUNTY, TEXAS, BEING
8 ALL OF THE A. VALLET SURVEY, A-535, AND ALL OF A CALLED 320 ACRES
9 DESCRIBED IN GIFT DEED TO SHARON VELLETT WALLINGFORD TRUST, RECORDED
10 UNDER FORT BEND COUNTY CLERK'S FILE NUMBER (F.B.C.C.F. NO.)
11 9484031, AND ALL OF A CALLED 211.78 ACRE TRACT FOUND IN PROBABTE
12 DOCUMENT NO. 14839, SAVE AND EXCEPT THE AREA WITHIN THE CITY LIMITS
13 OF CITY OF ROSENBERG, APPROXIMATELY 1.6 ACRES OUT OF THE A. VALLET
14 SURVEY, ABSTRACT NO. 535., THE SAID 853.0 ACRE TRACT BEING MORE
15 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH
16 BEARINGS BASED ON THE SOUTHWEST RIGHT-OF-WAY LINE OF FINNEY VALLET
17 ROAD BEING SOUTH 45 DEGREES EAST):

18 BEGINNING at the north corner of said A. Vallet Survey,
19 (A-535), and the southeast corner of the S.A. & M.G. RR. CO. Survey,
20 A-331 and the north corner of the herein described tract, being in
21 the centerline of said Finney Vallet Road (based on a width of 60
22 feet);

23 THENCE, South 45° East, along the centerline of said Finney
24 Valley Road, and the easterly line of said A. Vallet Survey, a
25 distance of 5,280.00 feet, to the north corner of said A-209, and
26 the north corner of a called 3.2500 acre tract conveyed to Annette
27 M. Pittman, ET UX. as described in document recorded under

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1 F.B.C.C.F. NO. 2003157605, and the southeast corner of said A-535,
2 and an exterior corner of the herein described tract;

3 THENCE, South 45° West, along the southeasterly line of said
4 A-535, common with the northwesterly line of said 3.2500 acre
5 tract, and a called 3.0000 acre tract described in document
6 recorded under F.B.C.C.F. NO. 2001073086, and a called 58.0744 acre
7 tract as described in document recorded under F.B.C.C.F. NO.
8 2017119706, a distance of 2,638.46 feet, to the northerly corner of
9 said 211.78 acre tract, and an interior corner of the herein
10 described tract;

11 THENCE, South 45° East, along the easterly line of said 211.78
12 acre tract, a distance of 5280.00 feet, to the south line of said
13 A-209, common with the north line of the H.&T. C. RR. Co. Survey
14 Abstract No. 208, marking the southeast corner of said 211.78 acre
15 tract and the most southerly corner of the herein described tract;

16 THENCE, South 45° West, along said common line, a distance of
17 1,770.82 feet, to the most southerly corner of the herein described
18 tract;

19 THENCE, North 45° West, departing said common line, and along
20 the southwesterly line of said 211.78 acre tract, a distance of
21 5,280.00 feet, to the south line of said A-612, common with the
22 north line of said A-209, and an interior corner of the herein
23 described tract;

24 THENCE, South 45° West, along said common line a distance of
25 870.72 feet, to the southwest corner of said A-612, and an exterior
26 corner of the herein described tract;

27 THENCE, North 45° West, along the west line of said A-612, and

1 A-553, a distance of 5,280.00 feet, to the northwest corner of said
2 A-553 and the herein described tract;

3 THENCE, North 45° East, along the northerly line of said
4 A-553, and said A-535, a distance of 5,280.00 feet, to the POINT OF
5 BEGINNING, SAVE AND EXCEPT THE AREA WITHIN THE CITY LIMITS OF CITY
6 OF ROSENBERG, APPROXIMATELY 1.6 ACRES OUT OF THE A. VALLET SURVEY,
7 ABSTRACT NO. 535., and containing 854.6 acres of land.

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

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

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

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

26 SECTION 4. (a) If this Act does not receive a two-thirds
27 vote of all the members elected to each house, Subchapter C, Chapter

1 7940A, Special District Local Laws Code, as added by Section 1 of
2 this Act, is amended by adding Section 7940A.0307 to read as
3 follows:

4 Sec. 7940A.0307. NO EMINENT DOMAIN POWER. The district may
5 not exercise the power of eminent domain.

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

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