

By: Gutierrez

S.B. No. 2242

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Medina County Water Control and  
3 Improvement District No. 4; granting a limited power of eminent  
4 domain; providing authority to issue bonds; providing authority to  
5 impose assessments, fees, and taxes.

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

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

9 CHAPTER 9031. MEDINA COUNTY WATER CONTROL AND

10 IMPROVEMENT DISTRICT NO. 4

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 9031.0101. 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 Medina County Water Control  
18 and Improvement District No. 4.

19 Sec. 9031.0102. NATURE OF DISTRICT. The district is a water  
20 control and improvement district created under Section 59, Article  
21 XVI, Texas Constitution.

22 Sec. 9031.0103. CONFIRMATION AND DIRECTORS' 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. 9031.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 9031.0103 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. 9031.0105. 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 water control and improvement district as  
12 provided by general law and Section 59, Article XVI, Texas  
13 Constitution, including the collection, transportation,  
14 processing, disposal, and control of domestic, industrial, or  
15 communal waste and the gathering, conducting, diverting, and  
16 control of local stormwater or other harmful excesses of water; and

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

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

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

1           (1) organization, existence, or validity;

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

5           (3) right to impose a tax; or

6           (4) legality or operation.

7                   SUBCHAPTER B. BOARD OF DIRECTORS

8           Sec. 9031.0201. GOVERNING BODY; TERMS. (a) The district is  
9 governed by a board of five elected directors.

10           (b) Except as provided by Section 9031.0202, directors  
11 serve staggered four-year terms.

12           Sec. 9031.0202. TEMPORARY DIRECTORS. (a) The temporary  
13 board consists of:

14                   (1) Jim Welch;

15                   (2) Allen Hoover;

16                   (3) Matt Baillio;

17                   (4) Skip Lietz; and

18                   (5) David Higgins.

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

20                   (1) the date permanent directors are elected under  
21 Section 9031.0103; or

22                   (2) the fourth anniversary of the effective date of  
23 the Act enacting this chapter.

24           (c) If permanent directors have not been elected under  
25 Section 9031.0103 and the terms of the temporary directors have  
26 expired, successor temporary directors shall be appointed or  
27 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under  
3 Section 9031.0103; or

4 (2) the fourth anniversary of the date of the  
5 appointment or reappointment.

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

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 9031.0301. GENERAL POWERS AND DUTIES. The district  
15 has the powers and duties necessary to accomplish the purposes for  
16 which the district is created.

17 Sec. 9031.0302. WATER CONTROL AND IMPROVEMENT DISTRICT  
18 POWERS AND DUTIES. The district has the powers and duties provided  
19 by the general law of this state, including Chapters 49 and 51,  
20 Water Code, applicable to water control and improvement districts  
21 created under Section 59, Article XVI, Texas Constitution, and  
22 specifically including the powers and duties authorized under  
23 Subchapter H, Chapter 51, Water Code.

24 Sec. 9031.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
25 52, Article III, Texas Constitution, the district may design,  
26 acquire, construct, finance, issue bonds for, improve, operate,  
27 maintain, and convey to this state, a county, or a municipality for

1 operation and maintenance macadamized, graveled, or paved roads, or  
2 improvements, including storm drainage, in aid of those roads.

3 Sec. 9031.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
4 road project must meet all applicable construction standards,  
5 subdivision requirements, and regulations of each municipality in  
6 whose corporate limits or extraterritorial jurisdiction the road  
7 project is located.

8 (b) If a road project is not located in the corporate limits  
9 or extraterritorial jurisdiction of a municipality, the road  
10 project must meet all applicable construction standards, zoning and  
11 subdivision requirements, and regulations of each county in which  
12 the road project is located.

13 (c) If the state will maintain and operate the road, the  
14 Texas Transportation Commission must approve the plans and  
15 specifications of the road project.

16 Sec. 9031.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
17 ORDINANCE OR RESOLUTION. The district shall comply with all  
18 applicable requirements of any ordinance or resolution that is  
19 adopted under Section 42.042 or 42.0425, Local Government Code, and  
20 consents to the creation of the district or to the inclusion of land  
21 in the district.

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 9031.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
24 The district may issue, without an election, bonds and other  
25 obligations secured by:

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

27 (2) contract payments described by Section 9031.0403.

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

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

9       Sec. 9031.0402. OPERATION AND MAINTENANCE TAX. (a) If  
10 authorized at an election held under Section 9031.0401, the  
11 district may impose an operation and maintenance tax on taxable  
12 property in the district in accordance with Section 49.107, Water  
13 Code.

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

16       Sec. 9031.0403. CONTRACT TAXES. (a) In accordance with  
17 Section 49.108, Water Code, the district may impose a tax other than  
18 an operation and maintenance tax and use the revenue derived from  
19 the tax to make payments under a contract after the provisions of  
20 the contract have been approved by a majority of the district voters  
21 voting at an election held for that purpose.

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

25               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26       Sec. 9031.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
27 OBLIGATIONS. The district may issue bonds or other obligations

1 payable wholly or partly from ad valorem taxes, impact fees,  
2 revenue, contract payments, grants, or other district money, or any  
3 combination of those sources, to pay for any authorized district  
4 purpose.

5 Sec. 9031.0502. TAXES FOR BONDS. At the time the district  
6 issues bonds payable wholly or partly from ad valorem taxes, the  
7 board shall provide for the annual imposition of a continuing  
8 direct ad valorem tax, without limit as to rate or amount, while all  
9 or part of the bonds are outstanding as required and in the manner  
10 provided by Section 51.433, Water Code.

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

16 SECTION 2. The Medina County Water Control and Improvement  
17 District No. 4 initially includes all the territory contained in  
18 the following area:

19 FIELD NOTES FOR A 386.666 ACRE TRACT OF LAND IN THE JOSE  
20 JACINTO GONZALES SURVEY 255, ABSTRACT NO. 408, AND THE BERIANA  
21 SANDOVAL SURVEY 40, ABSTRACT NO. 840, MEDINA COUNTY, TEXAS, BEING  
22 ALL OF A CALLED 177.28 ACRE TRACT OF LAND AS CONVEYED UNTO TAUNA R.  
23 WILTZ IN VOLUME 690, PAGE 494 OF THE OFFICIAL RECORDS OF MEDINA  
24 COUNTY, TEXAS, ALL OF A CALLED 58.588 ACRE TRACT OF LAND (TRACT 5)  
25 AS CONVEYED UNTO ROSALIE J. KAIL IN VOLUME 295, PAGE 857 OF THE DEED  
26 RECORDS OF MEDINA COUNTY, TEXAS, ALL OF A CALLED 116.2 ACRE TRACT OF  
27 LAND AS CONVEYED UNTO CHRIS RANDAL SCHUCHART IN VOLUME 106, PAGE 705

1 OF THE OFFICIAL PUBLIC RECORDS OF MEDINA COUNTY, TEXAS, AND A  
2 PORTION OF THE REMAINING PORTION OF A CALLED 285.71 ACRE TRACT OF  
3 LAND AS CONVEYED UNTO CHRIS SCHUCHART IN DOCUMENT NUMBER 2019007792  
4 OF THE PUBLIC RECORDS OF MEDINA COUNTY, TEXAS; SAID 386.666 ACRE  
5 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS  
6 FOLLOWS:

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

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

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

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

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



1 described tract;

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

8           THENCE, S 00°52'29" W, coincident with the common line of Rio  
9 Medina Estates and said 116.2 acre tract, a distance of 1,109.01  
10 feet to a calculated point on the north line of a called 114.675  
11 acre tract of land conveyed unto Randall Allen Haby and described in  
12 Volume 241, Page 85 of the Official Public Records of Medina County,  
13 Texas, at the common corner of the 116.2 acre tract and Rio Medina  
14 Estates, for the southerly southeast corner of the herein described  
15 tract:

16           THENCE, S 89°29'24" W, coincident with the common line of the  
17 116.2 acre tract, said 114.675 acre tract, the aforementioned  
18 remaining portion of the 285.71 acre tract, a called 47.175 acre  
19 tract of land as conveyed unto Newcity Communications of SA, Inc in  
20 Volume 108, Page 281 of the Official Public Records of Medina  
21 County, Texas and a called 375.53 acre tract of land as conveyed  
22 unto Linda Haby Wurzbach in Volume 758, Page 1132 of the Official  
23 Records of Medina County, Texas, a distance of 3,060.72 feet to a  
24 calculated point for the southwest corner of the herein described  
25 tract;

26           THENCE, departing said common line, over and across said  
27 remaining portion of the 285.71 acre tract the following six (6)

1 courses:

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

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

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

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

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

12 6) N 28°45'29" E, a distance of 957.02 feet to a calculated  
13 point on the common line of the remaining portion of the 285.71 acre  
14 tract and the aforementioned 116.2 acre tract, for an angle point of  
15 the herein described tract;

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

23 THENCE, N 31°22'00" E, coincident with the common line of said  
24 116.2 acre tract and said right-of-way, a distance of 510.54 feet to  
25 a calculated point at the southwest end of the cutback line from the  
26 south right-of-way line of F.M. 1283, (R.O.W. ~ varies, 100' min.)  
27 as shown on the Texas Department of Transportation Right-of-way

1 Retracement Map dated 3/30/2005, for an angle point of the herein  
2 described tract:

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

8       THENCE, coincident with the common line of said right-of-way,  
9 the 116.2 acre tract and the aforementioned 177.28 acre tract the  
10 following three (3) courses:

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

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

17       3) N 72°51'16" E, a distance of 930.81 feet to a calculated  
18 point, at the common corner of said 177.28 acre tract and the  
19 aforementioned 58.588 acre tract (Tract 4), for the northeast  
20 corner of the herein described tract:

21       THENCE, departing said common line, coincident with the  
22 common line of the 177.28 acre tract and said Tract 4, the following  
23 three (3) courses:

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

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

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

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

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

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

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

21           SECTION 4. (a) If this Act does not receive a two-thirds  
22 vote of all the members elected to each house, Subchapter C, Chapter  
23 9031, Special District Local Laws Code, as added by Section 1 of  
24 this Act, is amended by adding Section 9031.0306 to read as follows:

25           Sec. 9031.0306. NO EMINENT DOMAIN POWER. The district may  
26 not exercise the power of eminent domain.

27           (b) This section is not intended to be an expression of a

1 legislative interpretation of the requirements of Section 17(c),  
2 Article I, Texas Constitution.

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