

SENATE AMENDMENTS

2nd Printing

By: Wilson

H.B. No. 4609

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Williamson County Municipal Utility
3 District No. 40; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, 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 8141 to read as follows:

9 CHAPTER 8141. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8141.0101. DEFINITIONS. In this chapter:

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

13 (2) "City" means the City of Liberty Hill.

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

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

17 (5) "District" means the Williamson County Municipal
18 Utility District No. 40.

19 Sec. 8141.0102. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 8141.0103. 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. 8141.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 8141.0103 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. 8141.0105. 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. 8141.0106. 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 Sec. 8141.0107. EFFECT OF ANNEXATION. Notwithstanding any
4 other law, if all or part of the territory of the district is
5 annexed by the city into the city's corporate limits, the district:

6 (1) retains all of the district's outstanding debt and
7 obligations; and

8 (2) is not dissolved.

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8141.0201. GOVERNING BODY; TERMS. (a) The district is
11 governed by a board of five elected directors.

12 (b) Except as provided by Section 8141.0202, directors
13 serve staggered four-year terms.

14 Sec. 8141.0202. TEMPORARY DIRECTORS. (a) On or after the
15 effective date of the Act enacting this chapter, the owner or owners
16 of a majority of the assessed value of the real property in the
17 district may submit a petition to the commission requesting that
18 the commission appoint as temporary directors the five persons
19 named in the petition. The commission shall appoint as temporary
20 directors the five persons named in the petition.

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

22 (1) the date permanent directors are elected under
23 Section 8141.0103; or

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

26 (c) If permanent directors have not been elected under
27 Section 8141.0103 and the terms of the temporary directors have

1 expired, successor temporary directors shall be appointed or
2 reappointed as provided by Subsection (d) to serve terms that
3 expire on the earlier of:

4 (1) the date permanent directors are elected under
5 Section 8141.0103; or

6 (2) the fourth anniversary of the date of the
7 appointment or reappointment.

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

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8141.0301. GENERAL POWERS AND DUTIES. The district
17 has the powers and duties necessary to accomplish the purposes for
18 which the district is created.

19 Sec. 8141.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
20 DUTIES. The district has the powers and duties provided by the
21 general law of this state, including Chapters 49 and 54, Water Code,
22 applicable to municipal utility districts created under Section 59,
23 Article XVI, Texas Constitution.

24 Sec. 8141.0303. 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. 8141.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
4 road project must meet all applicable construction standards,
5 zoning and subdivision requirements, and regulations of each
6 municipality in whose corporate limits or extraterritorial
7 jurisdiction the road 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,
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. 8141.0305. 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 54.016 or 54.0165, Water Code, and that
20 consents to the creation of the district or to the inclusion of land
21 in the district.

22 Sec. 8141.0306. DIVISION OF DISTRICT. (a) The district may
23 be divided into two or more new districts only if the district:

- 24 (1) has no outstanding bonded debt; and
25 (2) is not imposing ad valorem taxes.

26 (b) This chapter applies to any new district created by the
27 division of the district, and a new district has all the powers and

1 duties of the district.

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

6 (d) The board, on its own motion or on receipt of a petition
7 signed by the owner or owners of a majority of the assessed value of
8 the real property in the district, may adopt an order dividing the
9 district.

10 (e) The board may adopt an order dividing the district
11 before or after the date the board holds an election under Section
12 8141.0103 to confirm the district's creation.

13 (f) An order dividing the district shall:

14 (1) name each new district;

15 (2) include the metes and bounds description of the
16 territory of each new district;

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

18 and

19 (4) provide for the division of assets and liabilities
20 between the new districts.

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

25 (h) A new district created by the division of the district
26 shall hold a confirmation and directors' election as required by
27 Section 8141.0103. If the voters of a new district do not confirm

1 the creation of the new district, the assets, obligations,
2 territory, and governance of the new district revert to the
3 original district.

4 (i) If the creation of the new district is confirmed, the
5 new district shall provide the election date and results to the
6 commission.

7 (j) Any new district created by the division of the district
8 must hold an election as required by this chapter to obtain voter
9 approval before the district may impose a maintenance tax or issue
10 bonds payable wholly or partly from ad valorem taxes.

11 (k) Municipal consent to the creation of the district and to
12 the inclusion of land in the district granted under Section
13 8141.0104 acts as municipal consent to the creation of any new
14 district created by the division of the district and to the
15 inclusion of land in the new district.

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8141.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
18 The district may issue, without an election, bonds and other
19 obligations secured by:

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

21 (2) contract payments described by Section 8141.0403.

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

26 (c) The district may not issue bonds payable from ad valorem
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 8141.0402. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 8141.0401, the
5 district may impose an operation and maintenance tax on taxable
6 property in the district in accordance with Section 49.107, Water
7 Code.

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

10 Sec. 8141.0403. CONTRACT TAXES. (a) In accordance with
11 Section 49.108, Water Code, the district may impose a tax other than
12 an operation and maintenance tax and use the revenue derived from
13 the tax to make payments under a contract after the provisions of
14 the contract have been approved by a majority of the district voters
15 voting at an election held for that purpose.

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

19 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

20 Sec. 8141.0501. AUTHORITY TO ISSUE BONDS AND OTHER
21 OBLIGATIONS. The district may issue bonds or other obligations
22 payable wholly or partly from ad valorem taxes, impact fees,
23 revenue, contract payments, grants, or other district money, or any
24 combination of those sources, to pay for any authorized district
25 purpose.

26 Sec. 8141.0502. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing
2 direct ad valorem tax, without limit as to rate or amount, while all
3 or part of the bonds are outstanding as required and in the manner
4 provided by Sections 54.601 and 54.602, Water Code.

5 Sec. 8141.0503. BONDS FOR ROAD PROJECTS. At the time of
6 issuance, the total principal amount of bonds or other obligations
7 issued or incurred to finance road projects and payable from ad
8 valorem taxes may not exceed one-fourth of the assessed value of the
9 real property in the district.

10 Sec. 8141.0504. CONSENT OF MUNICIPALITY AND DEVELOPMENT
11 AGREEMENT REQUIRED. (a) The temporary directors may not hold an
12 election under Section 8141.0401 to authorize the issuance of bonds
13 until:

14 (1) the governing body of the city by ordinance or
15 resolution consents to the creation of the district and to the
16 inclusion of land in the district; and

17 (2) the district, the city, and the owner or owners of
18 a majority of the assessed value of real property in the district
19 negotiate and execute a mutually approved and accepted development
20 and operating agreement, including any limitations imposed by the
21 city.

22 (b) The city's consent under Subsection (a) must be granted
23 in the manner provided by Section 54.016, Water Code, for including
24 land within the corporate limits or extraterritorial jurisdiction
25 of a city.

26 SECTION 2. The Williamson County Municipal Utility District
27 No. 40 initially includes all the territory contained in the

1 following area:

2 BEING 1229.695 acres of land, situated in the E. Leichtle
3 Survey No. 5, Abstract No. 382 in Williamson County, Texas and
4 Abstract No. 524 in Burnet County, Texas, being all of that certain
5 tract of land called to contain 950.635 acres in a Warranty Deed
6 with Vendor's Lien to Higher Ground Capital, LLC as described in
7 Document No. 2020149480, all of that certain tract of land called
8 to contain 171.85 acres in a Warranty Deed with Vendor's Lien to
9 Higher Ground Capital, LLC as described in Document No. 2020149349
10 of the Official Public Records of Williamson County, Texas and all
11 of that certain tract of land called to contain 107.21 acres to Todd
12 Cox as described in a General Warranty Deed with Vendor's Lien in
13 Document No. 2019023574 of the Official Public Records of
14 Williamson County, Texas and 201911838 of the Official Public
15 Records of Burnet County, Texas; said 1229.695 acres being more
16 particularly described as follows, with bearings based on the Texas
17 Coordinate System of 1983, South Central Zone:

18 BEGINNING: at a calculated point on the Northeastern
19 right-of-way of State Highway No. 29 (ROW Varies) for the
20 westernmost southwestern corner of the said 171.85-acre tract, a
21 corner of the said 950.635-acre tract;

22 THENCE: Along the Northeasterly right-of-way of said State
23 Highway 29 with the three (3) following courses and distances;

24 (1) North 51°06'07" West a distance of 296.61 feet to a
25 calculated point for corner;

26 (2) North 51°39'07" West a distance of 1356.59 feet to a
27 calculated point for the southeastern corner of the said

1 107.21-acre tract, the southwestern corner of the said 950.635-acre
2 tract, for a corner of this herein described tract;

3 (3) North 51°19'37" West a distance of 635.82 feet to a
4 calculated point for the southwestern corner of the said
5 107.21-acre tract, the southeastern corner of that certain tract of
6 land called to contain 20.01 acres in a General Warranty Deed to
7 Good Neighbor Storage, LLC in Document No. 2014097763 of the
8 Official Public Records of Williamson County, Texas, for the
9 southwestern corner of this herein described tract;

10 THENCE: North 00°25'08" East a distance of 2138.38 feet along
11 the Eastern line of the said 20.01-acre tract, a line of the said
12 107.21-acre tract to a calculated point for the northeastern corner
13 of the said 20.01-acre tract, a corner of the said 107.21-acre
14 tract, for a corner of this herein described tract;

15 THENCE: North 89°23'42" West a distance of 1686.80 feet along
16 a southern line of the said 107.21 acre tract, the northern line of
17 the said 20.01 acre tract, the northern line of that certain tract
18 of land called to contain 10.02 acres to Esmaeil Rowshan as
19 described in a Warranty Deed with Vendor's Lien in Document
20 No. 2006078138 of the Official Public Records of Williamson County,
21 Texas to a calculated point on the northeastern line of Burnet
22 County Road 266, for the westernmost southwestern corner of the
23 said 107.21 acre tract, the northwestern corner of the said 10.02
24 acre tract, for a corner of this herein described tract;

25 THENCE: North 20°55'38" West a distance of 1337.12 feet along
26 a western line of the said 107.21 acre tract, the northeastern line
27 of said Burnet County Road 266 to a calculated point for the

1 westernmost corner of the said 107.21 acre tract, the southwestern
2 corner of that certain tract of land called to contain 12.94 acres
3 to Howard Coursey as described in a General Warranty Deed in
4 Document No. 2020149480 of the Official Public Records of Burnet
5 County, Texas, for a corner of this herein described tract;

6 THENCE: South 71°18'58" East a distance of 690.80 feet along
7 the southern line of the said 12.94-acre tract, a line of the said
8 107.21-acre tract to a calculated point for the southeastern corner
9 of the said 12.94-acre tract, an interior corner of the said
10 107.21-acre tract, for a corner of this herein described tract;

11 THENCE: North 18°42'55" East a distance of 674.10 feet along a
12 western line of the said 107.21-acre tract, to a calculated point
13 for the northeastern corner of the said 12.94-acre tract, the
14 southeastern corner of that certain tract of land called to contain
15 13.50 acres to Edward F. Clark as described in a Warranty Deed in
16 Document No. 201703973 of the Official Public Records of Burnet
17 County, Texas, for a corner of this herein described tract;

18 THENCE: North 18°37'00" East a distance of 450.79 feet
19 continuing with a western line of the said 107.21-acre tract to a
20 calculated point for a corner of the said 107.21-acre tract, the
21 northeastern corner of the said 13.50-acre tract, for a corner of
22 this herein described tract;

23 THENCE: North 71°19'01" West a distance of 50.03 feet along a
24 line of the said 107.21-acre tract, the northern line of the said
25 13.50-acre tract to a calculated point for a corner of the said
26 107.21-acre tract, the southeastern corner of that certain tract of
27 land called to contain 5.59 acres to Brazos L. Cardwell as described

1 in a General Warranty Deed in Document No. 201605277 of the
2 Official Public Records of Burnet County, Texas, for a corner of
3 this herein described tract;

4 THENCE: North 18°42'39" East a distance of 1219.14 feet along
5 a western line of the said 107.21-acre tract, the eastern line of
6 the said 5.59-acre tract to a calculated point on the southern line
7 of Burnet County Road 264, for the northeastern corner of the said
8 5.59-acre tract, the northernmost northwestern corner of the said
9 107.21-acre tract, for a corner of this herein described tract;

10 THENCE: South 71°25'54" East a distance of 49.97 feet along
11 the southern line of said Burnet County Road 264 to a calculated
12 point for the northernmost northeastern corner of the said
13 107.21-acre tract, the northwestern corner of that certain tract of
14 land called to contain 3.10 acres to Louise Dalton as described in a
15 Warranty Deed in Document No. 200709836 of the Official Public
16 Records of Burnet County, Texas;

17 THENCE: South 18°41'18" West a distance of 1149.99 feet along
18 a line of the said 107.21 acre tract, the western line of the said
19 3.10 acre, the western line of that certain tract of land being the
20 remainder of a called 19.66 acres to Marsha Johnson as described in
21 a Special Warranty Deed with Vendor's Lien in Volume 1348, Page 405
22 of the Official Public Records of Burnet County, Texas to a
23 calculated point for the southwestern corner of the said 19.66 acre
24 tract, a corner of the said 107.21 acre tract, for a corner of this
25 herein described tract;

26 THENCE: South 70°12'07" East a distance of 476.31 feet along
27 the southern line of the said 19.66 acre tract, a line of the

1 remainder of a 16.64 acre tract in Volume 658, Page 200 of the Deed
2 Records of Williamson County, Texas to a calculated point for the
3 westernmost corner of that certain tract of land called to contain
4 21.113 acres to David S. Karpenske as described in Document
5 No. 2018059486 of the Official Public Records of Williamson County,
6 Texas, a corner of the said 107.21 acre tract, for a corner of this
7 herein described tract;

8 THENCE: along the common lines of the said 107.21-acre tract
9 and the said 21.113-acre tract with the following four (4) courses
10 and distances;

11 (1) South 45°17'39" East a distance of 487.78 feet to a
12 calculated point for a corner of this herein described tract;

13 (2) South 07°31'40" East a distance of 790.14 feet to a
14 calculated point for a corner of this herein described tract;

15 (3) North 79°56'03" East a distance of 320.49 feet to a
16 calculated point for a corner of this herein described tract;

17 (4) North 88°03'43" East a distance of 417.90 feet to a
18 calculated point on the Western line of the said 950.635-acre
19 tract, for the southeastern corner of the said 21.113-acre tract,
20 for a corner of this herein described tract;

21 THENCE: North 00°26'00" East a distance of 1913.53 feet along
22 the eastern line of the said 21.113-acre tract, the eastern line of
23 that certain tract of land called to contain 10.663 acres to Clinton
24 C. Hamilton as described in a Receiver's Deed in Document
25 No. 2019097604 of the Official Public Records of Williamson County,
26 Texas, to a calculated point on the southwesterly right-of-way of
27 the Southern Pacific Railroad (100' Right-of-way) for the

1 northeastern corner of the said 10.663 acres, the northwestern
2 corner of the said 950.635 acre tract, for the Northwestern corner
3 of this herein described tract;

4 THENCE: Along the southwestern right-of-way of the said
5 Southern Pacific Railroad with the seven (7) following courses and
6 distances;

7 (1) South 71°25'42" East a distance of 7871.28 feet to a
8 calculated point for corner;

9 (2) South 71°30'49" East a distance of 877.87 feet to a
10 calculated point for corner;

11 (3) South 71°28'50" East a distance of 1044.93 feet to a
12 calculated point for corner;

13 (4) South 69°26'50" East a distance of 218.43 feet to a
14 calculated point for corner;

15 (5) South 62°26'50" East a distance of 194.63 feet to a
16 calculated point for corner;

17 (6) South 59°27'52" East a distance of 1288.91 feet to a
18 calculated point for corner;

19 (7) South 59°25'43" East a distance of 919.44 feet to a
20 calculated point for the most northern corner of that certain tract
21 of land called to contain 22.005 acres to Edena Bray Harris as
22 described in an Executor's Deed in Document No. 2018052583 of the
23 Official Public Records of Williamson County, Texas, for the
24 easternmost corner of the said 950.635-acre tract, for the
25 easternmost corner of this herein described tract;

26 THENCE: South 68°43'21" West a distance of 291.70 feet
27 departing the southwesterly right-of-way line of said Southern

1 Pacific Railroad and the along the northerly line of the said
2 22.005-acre tract to a calculated point for the northwestern corner
3 of the said 22.005-acre tract, the northern most corner of that
4 certain tract of land called to contain 546.33 acres to Butler
5 Family Partnership, Ltd as described in Document No. 2010087926 of
6 the Official Public Record of Williamson County, Texas, for a
7 corner of this herein described tract;

8 THENCE: along the northwesterly line of the said 546.33-acre
9 tract, with the following three (3) courses and distances;

10 (1) South 68°42'10" West a distance of 401.10 feet to a
11 calculated point for corner;

12 (2) South 67°54'46" West a distance of 681.61 feet to a
13 calculated point for corner;

14 (3) South 69°38'35" West a distance of 380.63 feet to a
15 calculated point for corner;

16 THENCE: South 69°40'05" West a distance of 1081.10 feet
17 continuing along the northwesterly line of the said 546.33-acre
18 tract and the northwesterly of the certain tract of land called to
19 contain 134.741 acres to Dinah Beth Brothers in a Warranty Deed with
20 Vendor's Lien in Document No. 2008063553 of the Official Public
21 Records of Williamson County, Texas, to a calculated point for a
22 corner of this herein described tract;

23 THENCE: continuing along the northwesterly line of the said
24 134.741-acre tract with the following seven (7) courses and
25 distances;

26 (1) North 54°17'26" West a distance of 18.60 feet to a
27 calculated point for corner;

1 (2) South 68°44'09" West a distance of 948.36 feet to a
2 calculated point for corner;

3 (3) South 68°11'18" West a distance of 602.77 feet to a
4 calculated point for corner;

5 (4) South 68°35'55" West a distance of 588.11 feet to a
6 calculated point for corner;

7 (5) South 77°19'22" West a distance of 35.17 feet to a
8 calculated point for corner;

9 (6) South 45°15'34" West a distance of 10.93 feet to a
10 calculated point for corner;

11 (7) South 68°37'50" West a distance of 835.61 feet to a
12 calculated point for the northwesterly corner of the said
13 134.741-acre tract, the same being the northernmost corner of that
14 certain tract of land called to contain 76.00 acres of land to LH29
15 Land Holdings, LLC as described in a General Warranty Deed in
16 Document NO. 2015110967 of the Official Public Records of
17 Williamson County, Texas for a corner of this herein described
18 tract;

19 THENCE: along the northwesterly line of the said 76.00 -acre
20 tract of land with the following four (4) courses and distances;

21 (1) South 68°50'47" West a distance of 289.93 feet to a
22 calculated point for corner;

23 (2) South 69°12'48" West a distance of 766.35 feet to a
24 calculated point for corner;

25 (3) South 69°26'08" West a distance of 160.97 feet to a
26 calculated point for corner;

27 (4) South 68°27'56" West a distance of 417.26 feet to a

1 calculated point for the northwesterly corner of the said
2 76.00-acre tract, the northernmost corner of that certain tract of
3 land called to contain 43.88 acres to Wilson Lay & Theary Korng as
4 described in a General Warranty Deed with Vendor's Lien in Document
5 No. 2015099491 of the Official Public Records of Williamson County,
6 Texas, for a corner of this herein described tract;

7 THENCE: South 69°02'02" West a distance of 131.00 feet along
8 the northwesterly line of the said 43.88-acre tract to a calculated
9 point for the easternmost corner of the said 171.85-acre tract, for
10 a corner of this herein described tract;

11 THENCE: South 69°22'52" West a distance of 1724.86 feet
12 continuing along the southeasterly line of the said 171.85-acre
13 tract, the northwestern line of the said 43.88-acre tract to a
14 calculated point on the northeastern right-of-way line of said
15 State Highway 29 for the northwestern corner of the said 43.88-acre
16 tract, the southernmost corner of the said 171.85-acre tract, for
17 the southernmost corner of this herein described tract;

18 THENCE: along the northeasterly line of said State Highway
19 29, the southwestern line of the said 171.85-acre tract with the
20 following four (4) courses and distances;

21 (1) North 54°31'00" West a distance of 278.88 feet to a
22 calculated point for corner;

23 (2) North 48°34'12" West a distance of 301.11 feet to a
24 calculated point for corner;

25 (3) North 54°15'16" West a distance of 201.54 feet to a
26 calculated point for corner;

27 (4) North 48°39'46" West a distance of 1017.60 feet to a

1 calculated point for corner;

2 THENCE: Continuing along the northeastern line of said State
3 Highway 29, the southwestern line of the said 171.85-acre tract
4 with a curve to the left having a Delta angle of $01^{\circ}15'37''$, a Radius
5 of 11519.16 feet, an Arc length of 253.39 feet with the chord of the
6 curve North $48^{\circ}37'54''$ West a distance of 253.38 feet to the POINT OF
7 BEGINNING and CONTAINING an area of 1229.695 acres of land, more or
8 less.

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

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

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

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

27 SECTION 4. (a) If this Act does not receive a two-thirds

1 vote of all the members elected to each house, Subchapter C, Chapter
2 8141, Special District Local Laws Code, as added by Section 1 of
3 this Act, is amended by adding Section 8141.0307 to read as follows:

4 Sec. 8141.0307. 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.

ADOPTED

MAY 27 2021

By: Schwertner

Latey Law
Secretary of the Senate

H.B. No. 4609

Substitute the following for ___B. No. _____:

By: [Signature]

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Williamson County Municipal Utility
3 District No. 40; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, 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 8141 to read as follows:

9 CHAPTER 8141. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8141.0101. DEFINITIONS. In this chapter:

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

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

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

16 (4) "District" means the Williamson County Municipal
17 Utility District No. 40.

18 Sec. 8141.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 8141.0103. CONFIRMATION AND DIRECTOR ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 8141.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8141.0103 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. 8141.0105. 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. 8141.0106. 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. 8141.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8141.0202, directors
6 serve staggered four-year terms.

7 Sec. 8141.0202. 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 8141.0103; 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 8141.0103 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 8141.0103; or

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

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

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

9 Sec. 8141.0305. COMPLIANCE WITH MUNICIPAL CONSENT
10 ORDINANCE OR RESOLUTION. The district shall comply with all
11 applicable requirements of any ordinance or resolution that is
12 adopted under Section 54.016 or 54.0165, Water Code, and that
13 consents to the creation of the district or to the inclusion of land
14 in the district.

15 Sec. 8141.0306. DIVISION OF DISTRICT. (a) The district may
16 be divided into two or more new districts only if the district:

17 (1) has no outstanding bonded debt; and

18 (2) is not imposing ad valorem taxes.

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

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

26 (d) The board, on its own motion or on receipt of a petition
27 signed by the owner or owners of a majority of the assessed value of

1 the real property in the district, may adopt an order dividing the
2 district.

3 (e) The board may adopt an order dividing the district
4 before or after the date the board holds an election under Section
5 8141.0103 to confirm the district's creation.

6 (f) An order dividing the district shall:

7 (1) name each new district;

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

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

11 and

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

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

18 (h) A new district created by the division of the district
19 shall hold a confirmation and directors' election as required by
20 Section 8141.0103. If the voters of a new district do not confirm
21 the creation of the new district, the assets, obligations,
22 territory, and governance of the new district revert to the
23 original district.

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

27 (j) Any new district created by the division of the district

1 must hold an election as required by this chapter to obtain voter
2 approval before the district may impose a maintenance tax or issue
3 bonds payable wholly or partly from ad valorem taxes.

4 (k) Municipal consent to the creation of the district and to
5 the inclusion of land in the district granted under Section
6 8141.0104 acts as municipal consent to the creation of any new
7 district created by the division of the district and to the
8 inclusion of land in the new district.

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8141.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

11 The district may issue, without an election, bonds and other
12 obligations secured by:

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

14 (2) contract payments described by Section 8141.0403.

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

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

23 Sec. 8141.0402. OPERATION AND MAINTENANCE TAX. (a) If
24 authorized at an election held under Section 8141.0401, the
25 district may impose an operation and maintenance tax on taxable
26 property in the district in accordance with Section 49.107, Water
27 Code.

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

3 Sec. 8141.0403. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax and use the revenue derived from
6 the tax to make payments under a contract after the provisions of
7 the contract have been approved by a majority of the district voters
8 voting at an election held for that purpose.

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

12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

13 Sec. 8141.0501. AUTHORITY TO ISSUE BONDS AND OTHER
14 OBLIGATIONS. The district may issue bonds or other obligations
15 payable wholly or partly from ad valorem taxes, impact fees,
16 revenue, contract payments, grants, or other district money, or any
17 combination of those sources, to pay for any authorized district
18 purpose.

19 Sec. 8141.0502. TAXES FOR BONDS. At the time the district
20 issues bonds payable wholly or partly from ad valorem taxes, the
21 board shall provide for the annual imposition of a continuing
22 direct ad valorem tax, without limit as to rate or amount, while all
23 or part of the bonds are outstanding as required and in the manner
24 provided by Sections 54.601 and 54.602, Water Code.

25 Sec. 8141.0503. BONDS FOR ROAD PROJECTS. At the time of
26 issuance, the total principal amount of bonds or other obligations
27 issued or incurred to finance road projects and payable from ad

1 valorem taxes may not exceed one-fourth of the assessed value of the
2 real property in the district.

3 SECTION 2. The Williamson County Municipal Utility District
4 No. 40 initially includes all the territory contained in the
5 following area:

6 BEING 1229.695 acres of land, situated in the E. Leichtle
7 Survey No. 5, Abstract No. 382 in Williamson County, Texas and
8 Abstract No. 524 in Burnet County, Texas, being all of that certain
9 tract of land called to contain 950.635 acres in a Warranty Deed
10 with Vendor's Lien to Higher Ground Capital, LLC as described in
11 Document No. 2020149480, all of that certain tract of land called
12 to contain 171.85 acres in a Warranty Deed with Vendor's Lien to
13 Higher Ground Capital, LLC as described in Document No. 2020149349
14 of the Official Public Records of Williamson County, Texas and all
15 of that certain tract of land called to contain 107.21 acres to Todd
16 Cox as described in a General Warranty Deed with Vendor's Lien in
17 Document No. 2019023574 of the Official Public Records of
18 Williamson County, Texas and 201911838 of the Official Public
19 Records of Burnet County, Texas; said 1229.695 acres being more
20 particularly described as follows, with bearings based on the Texas
21 Coordinate System of 1983, South Central Zone:

22 BEGINNING: at a calculated point on the Northeastern
23 right-of-way of State Highway No. 29 (ROW Varies) for the
24 westernmost southwestern corner of the said 171.85-acre tract, a
25 corner of the said 950.635-acre tract;

26 THENCE: Along the Northeasterly right-of-way of said State
27 Highway 29 with the three (3) following courses and distances;

1 (1) North 51°06'07" West a distance of 296.61 feet to a
2 calculated point for corner;

3 (2) North 51°39'07" West a distance of 1356.59 feet to a
4 calculated point for the southeastern corner of the said
5 107.21-acre tract, the southwestern corner of the said 950.635-acre
6 tract, for a corner of this herein described tract;

7 (3) North 51°19'37" West a distance of 635.82 feet to a
8 calculated point for the southwestern corner of the said
9 107.21-acre tract, the southeastern corner of that certain tract of
10 land called to contain 20.01 acres in a General Warranty Deed to
11 Good Neighbor Storage, LLC in Document No. 2014097763 of the
12 Official Public Records of Williamson County, Texas, for the
13 southwestern corner of this herein described tract;

14 THENCE: North 00°25'08" East a distance of 2138.38 feet along
15 the Eastern line of the said 20.01-acre tract, a line of the said
16 107.21-acre tract to a calculated point for the northeastern corner
17 of the said 20.01-acre tract, a corner of the said 107.21-acre
18 tract, for a corner of this herein described tract;

19 THENCE: North 89°23'42" West a distance of 1686.80 feet along
20 a southern line of the said 107.21 acre tract, the northern line of
21 the said 20.01 acre tract, the northern line of that certain tract
22 of land called to contain 10.02 acres to Esmaeil Rowshan as
23 described in a Warranty Deed with Vendor's Lien in Document
24 No. 2006078138 of the Official Public Records of Williamson County,
25 Texas to a calculated point on the northeastern line of Burnet
26 County Road 266, for the westernmost southwestern corner of the
27 said 107.21 acre tract, the northwestern corner of the said 10.02

1 acre tract, for a corner of this herein described tract;

2 THENCE: North 20°55'38" West a distance of 1337.12 feet along
3 a western line of the said 107.21 acre tract, the northeastern line
4 of said Burnet County Road 266 to a calculated point for the
5 westernmost corner of the said 107.21 acre tract, the southwestern
6 corner of that certain tract of land called to contain 12.94 acres
7 to Howard Coursey as described in a General Warranty Deed in
8 Document No. 2020149480 of the Official Public Records of Burnet
9 County, Texas, for a corner of this herein described tract;

10 THENCE: South 71°18'58" East a distance of 690.80 feet along
11 the southern line of the said 12.94-acre tract, a line of the said
12 107.21-acre tract to a calculated point for the southeastern corner
13 of the said 12.94-acre tract, an interior corner of the said
14 107.21-acre tract, for a corner of this herein described tract;

15 THENCE: North 18°42'55" East a distance of 674.10 feet along a
16 western line of the said 107.21-acre tract, to a calculated point
17 for the northeastern corner of the said 12.94-acre tract, the
18 southeastern corner of that certain tract of land called to contain
19 13.50 acres to Edward F. Clark as described in a Warranty Deed in
20 Document No. 201703973 of the Official Public Records of Burnet
21 County, Texas, for a corner of this herein described tract;

22 THENCE: North 18°37'00" East a distance of 450.79 feet
23 continuing with a western line of the said 107.21-acre tract to a
24 calculated point for a corner of the said 107.21-acre tract, the
25 northeastern corner of the said 13.50-acre tract, for a corner of
26 this herein described tract;

27 THENCE: North 71°19'01" West a distance of 50.03 feet along a

1 line of the said 107.21-acre tract, the northern line of the said
2 13.50-acre tract to a calculated point for a corner of the said
3 107.21-acre tract, the southeastern corner of that certain tract of
4 land called to contain 5.59 acres to Brazos L. Cardwell as described
5 in a General Warranty Deed in Document No. 201605277 of the
6 Official Public Records of Burnet County, Texas, for a corner of
7 this herein described tract;

8 THENCE: North 18°42'39" East a distance of 1219.14 feet along
9 a western line of the said 107.21-acre tract, the eastern line of
10 the said 5.59-acre tract to a calculated point on the southern line
11 of Burnet County Road 264, for the northeastern corner of the said
12 5.59-acre tract, the northernmost northwestern corner of the said
13 107.21-acre tract, for a corner of this herein described tract;

14 THENCE: South 71°25'54" East a distance of 49.97 feet along
15 the southern line of said Burnet County Road 264 to a calculated
16 point for the northernmost northeastern corner of the said
17 107.21-acre tract, the northwestern corner of that certain tract of
18 land called to contain 3.10 acres to Louise Dalton as described in a
19 Warranty Deed in Document No. 200709836 of the Official Public
20 Records of Burnet County, Texas;

21 THENCE: South 18°41'18" West a distance of 1149.99 feet along
22 a line of the said 107.21 acre tract, the western line of the said
23 3.10 acre, the western line of that certain tract of land being the
24 remainder of a called 19.66 acres to Marsha Johnson as described in
25 a Special Warranty Deed with Vendor's Lien in Volume 1348, Page 405
26 of the Official Public Records of Burnet County, Texas to a
27 calculated point for the southwestern corner of the said 19.66 acre

1 tract, a corner of the said 107.21 acre tract, for a corner of this
2 herein described tract;

3 THENCE: South 70°12'07" East a distance of 476.31 feet along
4 the southern line of the said 19.66 acre tract, a line of the
5 remainder of a 16.64 acre tract in Volume 658, Page 200 of the Deed
6 Records of Williamson County, Texas to a calculated point for the
7 westernmost corner of that certain tract of land called to contain
8 21.113 acres to David S. Karpenske as described in Document
9 No. 2018059486 of the Official Public Records of Williamson County,
10 Texas, a corner of the said 107.21 acre tract, for a corner of this
11 herein described tract;

12 THENCE: along the common lines of the said 107.21-acre tract
13 and the said 21.113-acre tract with the following four (4) courses
14 and distances;

15 (1) South 45°17'39" East a distance of 487.78 feet to a
16 calculated point for a corner of this herein described tract;

17 (2) South 07°31'40" East a distance of 790.14 feet to a
18 calculated point for a corner of this herein described tract;

19 (3) North 79°56'03" East a distance of 320.49 feet to a
20 calculated point for a corner of this herein described tract;

21 (4) North 88°03'43" East a distance of 417.90 feet to a
22 calculated point on the Western line of the said 950.635-acre
23 tract, for the southeastern corner of the said 21.113-acre tract,
24 for a corner of this herein described tract;

25 THENCE: North 00°26'00" East a distance of 1913.53 feet along
26 the eastern line of the said 21.113-acre tract, the eastern line of
27 that certain tract of land called to contain 10.663 acres to Clinton

1 C. Hamilton as described in a Receiver's Deed in Document
2 No. 2019097604 of the Official Public Records of Williamson County,
3 Texas, to a calculated point on the southwesterly right-of-way of
4 the Southern Pacific Railroad (100' Right-of-way) for the
5 northeastern corner of the said 10.663 acres, the northwestern
6 corner of the said 950.635 acre tract, for the Northwestern corner
7 of this herein described tract;

8 THENCE: Along the southwestern right-of-way of the said
9 Southern Pacific Railroad with the seven (7) following courses and
10 distances;

11 (1) South 71°25'42" East a distance of 7871.28 feet to a
12 calculated point for corner;

13 (2) South 71°30'49" East a distance of 877.87 feet to a
14 calculated point for corner;

15 (3) South 71°28'50" East a distance of 1044.93 feet to a
16 calculated point for corner;

17 (4) South 69°26'50" East a distance of 218.43 feet to a
18 calculated point for corner;

19 (5) South 62°26'50" East a distance of 194.63 feet to a
20 calculated point for corner;

21 (6) South 59°27'52" East a distance of 1288.91 feet to a
22 calculated point for corner;

23 (7) South 59°25'43" East a distance of 919.44 feet to a
24 calculated point for the most northern corner of that certain tract
25 of land called to contain 22.005 acres to Edena Bray Harris as
26 described in an Executor's Deed in Document No. 2018052583 of the
27 Official Public Records of Williamson County, Texas, for the

1 easternmost corner of the said 950.635-acre tract, for the
2 easternmost corner of this herein described tract;

3 THENCE: South 68°43'21" West a distance of 291.70 feet
4 departing the southwesterly right-of-way line of said Southern
5 Pacific Railroad and the along the northerly line of the said
6 22.005-acre tract to a calculated point for the northwestern corner
7 of the said 22.005-acre tract, the northern most corner of that
8 certain tract of land called to contain 546.33 acres to Butler
9 Family Partnership, Ltd as described in Document No. 2010087926 of
10 the Official Public Record of Williamson County, Texas, for a
11 corner of this herein described tract;

12 THENCE: along the northwesterly line of the said 546.33-acre
13 tract, with the following three (3) courses and distances;

14 (1) South 68°42'10" West a distance of 401.10 feet to a
15 calculated point for corner;

16 (2) South 67°54'46" West a distance of 681.61 feet to a
17 calculated point for corner;

18 (3) South 69°38'35" West a distance of 380.63 feet to a
19 calculated point for corner;

20 THENCE: South 69°40'05" West a distance of 1081.10 feet
21 continuing along the northwesterly line of the said 546.33-acre
22 tract and the northwesterly of the certain tract of land called to
23 contain 134.741 acres to Dinah Beth Brothers in a Warranty Deed with
24 Vendor's Lien in Document No. 2008063553 of the Official Public
25 Records of Williamson County, Texas, to a calculated point for a
26 corner of this herein described tract;

27 THENCE: continuing along the northwesterly line of the said

1 134.741-acre tract with the following seven (7) courses and
2 distances;

3 (1) North 54°17'26" West a distance of 18.60 feet to a
4 calculated point for corner;

5 (2) South 68°44'09" West a distance of 948.36 feet to a
6 calculated point for corner;

7 (3) South 68°11'18" West a distance of 602.77 feet to a
8 calculated point for corner;

9 (4) South 68°35'55" West a distance of 588.11 feet to a
10 calculated point for corner;

11 (5) South 77°19'22" West a distance of 35.17 feet to a
12 calculated point for corner;

13 (6) South 45°15'34" West a distance of 10.93 feet to a
14 calculated point for corner;

15 (7) South 68°37'50" West a distance of 835.61 feet to a
16 calculated point for the northwesterly corner of the said
17 134.741-acre tract, the same being the northernmost corner of that
18 certain tract of land called to contain 76.00 acres of land to LH29
19 Land Holdings, LLC as described in a General Warranty Deed in
20 Document NO. 2015110967 of the Official Public Records of
21 Williamson County, Texas for a corner of this herein described
22 tract;

23 THENCE: along the northwesterly line of the said 76.00 -acre
24 tract of land with the following four (4) courses and distances;

25 (1) South 68°50'47" West a distance of 289.93 feet to a
26 calculated point for corner;

27 (2) South 69°12'48" West a distance of 766.35 feet to a

1 calculated point for corner;

2 (3) South 69°26'08" West a distance of 160.97 feet to a
3 calculated point for corner;

4 (4) South 68°27'56" West a distance of 417.26 feet to a
5 calculated point for the northwesterly corner of the said
6 76.00-acre tract, the northernmost corner of that certain tract of
7 land called to contain 43.88 acres to Wilson Lay & Theary Korng as
8 described in a General Warranty Deed with Vendor's Lien in Document
9 No. 2015099491 of the Official Public Records of Williamson County,
10 Texas, for a corner of this herein described tract;

11 THENCE: South 69°02'02" West a distance of 131.00 feet along
12 the northwesterly line of the said 43.88-acre tract to a calculated
13 point for the easternmost corner of the said 171.85-acre tract, for
14 a corner of this herein described tract;

15 THENCE: South 69°22'52" West a distance of 1724.86 feet
16 continuing along the southeasterly line of the said 171.85-acre
17 tract, the northwestern line of the said 43.88-acre tract to a
18 calculated point on the northeastern right-of-way line of said
19 State Highway 29 for the northwestern corner of the said 43.88-acre
20 tract, the southernmost corner of the said 171.85-acre tract, for
21 the southernmost corner of this herein described tract;

22 THENCE: along the northeasterly line of said State Highway
23 29, the southwestern line of the said 171.85-acre tract with the
24 following four (4) courses and distances;

25 (1) North 54°31'00" West a distance of 278.88 feet to a
26 calculated point for corner;

27 (2) North 48°34'12" West a distance of 301.11 feet to a

1 calculated point for corner;

2 (3) North 54°15'16" West a distance of 201.54 feet to a
3 calculated point for corner;

4 (4) North 48°39'46" West a distance of 1017.60 feet to a
5 calculated point for corner;

6 THENCE: Continuing along the northeastern line of said State
7 Highway 29, the southwestern line of the said 171.85-acre tract
8 with a curve to the left having a Delta angle of 01°15'37", a Radius
9 of 11519.16 feet, an Arc length of 253.39 feet with the chord of the
10 curve North 48°37'54" West a distance of 253.38 feet to the POINT OF
11 BEGINNING and CONTAINING an area of 1229.695 acres of land, more or
12 less.

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

20 (b) The governor, one of the required recipients, has
21 submitted the notice and Act to the Texas Commission on
22 Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor, the
25 lieutenant governor, and the speaker of the house of
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4. (a) If this Act does not receive a two-thirds
5 vote of all the members elected to each house, Subchapter C, Chapter
6 8141, Special District Local Laws Code, as added by Section 1 of
7 this Act, is amended by adding Section 8141.0307 to read as follows:

8 Sec. 8141.0307. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4609 by Wilson (Relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, CMA, AF, DPE, AJL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 21, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4609 by Wilson (Relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, CMA, DPE, AJL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 18, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4609 by Wilson (Relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, DPE, AJL, CMA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 19, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4609 by Wilson (Relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AJL, CMA, DPE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 12, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4609 by Wilson (Relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AJL, CMA, DPE

LEGISLATIVE BUDGET BOARD

Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

April 19, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4609 by Wilson (Relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 1st House, Substituted**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

This bill creates Williamson County Municipal Utility District No. 40 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Population: The very specific description of the proposed boundaries does not allow staff to develop precise population estimates.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Burnet County served by small water systems or private wells ('County-Other') was 16,595. The Burnet County-Other population projections adopted for the 2022 State Water Plan projects the population to grow to 25,317 in 2030 and 25,666 in 2040.

The 2010 population estimate for areas of Williamson County served by small water systems or private wells ('County-Other') was 29,929. The Williamson County-Other population projections adopted for the 2022 State Water Plan projects the population to be 26,295 in 2030 and 61,294 in 2040.

Location: The proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Official Public Records of Williamson County, Official Public Records of Burnet County, and metes and bounds. Due to the complexity of these boundaries for the various subareas of the district, staff is only able to determine the general location of the proposed district.

The proposed district's area is approximately 1.92 square miles in western Williamson County, along the border of Burnet County, located northwest of the City of Liberty Hill, and east of the City of Burnet. The proposed boundary appears to be near the intersection of State Highway 29 and County Road 266.

Comments on Powers/Duties Different from Similar Types of Districts:
House Committee Substitute (HCS):

The HCS specifies that temporary directors may not hold an election under Section 8141.0401 to authorize the issuance of bonds until the governing body of the City of Liberty Hill by ordinance or resolution consents to the creation of the District and to the inclusion of land in the District and the District, the City of Liberty Hill, and the owner or owners of a majority of the assessed value of real property in the District negotiate and execute a mutually approved and accepted development and operating agreement, including any limitations imposed by the City of Liberty Hill. The City of Liberty Hill's consent must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city. The HCS does not make any other changes to the Introduced version of the bill.

Introduced:

The District must receive consent to the creation of the District from each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to holding a confirmation election. The bill specifies that if all or part of the territory of the District is annexed by the City of Liberty Hill into the city's corporate limits, the District retains all of the District's outstanding debt and obligations and is not dissolved. The bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district. The bill grants the District authority for road projects. The bill allows the District to divide. The bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District. If the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Water Use: Within Burnet County, 39% of the total water use was supplied by surface water, and municipal was the largest volume water use category comprising 70% of the county total water use in 2018.

Within Williamson County, 80% of the total water use was supplied by surface water, and municipal was the largest volume water use category comprising 96% of the county total water use in 2018. The water source the proposed district might pursue is unknown.

Source

580 Water Development Board, 582 Commission on Environmental Quality

Agencies:

LBB Staff: JMc, AJL

LEGISLATIVE BUDGET BOARD

Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

April 12, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4609 by Wilson (Relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

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The 2010 population estimate for areas of Williamson County served by small water systems or private wells ('County-Other') was 29,929. The Williamson County-Other population projections adopted for the 2022 State Water Plan projects the population to be 26,295 in 2030 and 61,294 in 2040.

Location: The proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Official Public Records of Williamson County, Official Public Records of Burnet County, and metes and bounds. Due to the complexity of these boundaries for the various subareas of the district, staff is only able to determine the general location of the proposed district.

The proposed district's area is approximately 1.92 square miles in western Williamson County, along the border of Burnet County, located northwest of the City of Liberty Hill, and east of the City of Burnet. The proposed boundary appears to be near the intersection of State Highway 29 and County Road 266.

Comments on Powers/Duties Different from Similar Types of Districts: The District must receive consent to the creation of the District from each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to holding a confirmation election. The bill specifies that if all or part of the territory of the District is annexed by the City of Liberty Hill into the city's corporate limits, the District retains all of the District's outstanding debt and obligations and is not dissolved. The bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district. The bill grants the District authority for road projects. The bill allows the District to divide. The bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District. If the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

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Within Williamson County, 80% of the total water use was supplied by surface water, and municipal was the largest volume water use category comprising 96% of the county total water use in 2018. The water source the proposed district might pursue is unknown.

Source 580 Water Development Board, 582 Commission on Environmental Quality
Agencies:
LBB Staff: JMc, AJL