

House Bill 4646
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7951A to read as follows:

CHAPTER 7951A. CREEDMOOR MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7951A.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 Creedmoor Municipal Utility District.

Sec. 7951A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7951A.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.

Sec. 7951A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7951A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7951A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

SENATE VERSION (CS)

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7951A to read as follows:

CHAPTER 7951A. CREEDMOOR MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

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Sec. 7951A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7951A.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.

Sec. 7951A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7951A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

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

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sec. 7951A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

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

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7951A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7951A.0202, directors serve staggered four-year terms.

Sec. 7951A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

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

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sec. 7951A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

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

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(b) Except as provided by Section 7951A.0202, directors serve staggered four-year terms.

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(b) Temporary directors serve until the earlier of:
(1) the date permanent directors are elected under Section 7951A.0103; or
(2) the fourth anniversary of the effective date of the Act enacting this chapter.
(c) If permanent directors have not been elected under Section 7951A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:
(1) the date permanent directors are elected under Section 7951A.0103; or
(2) the fourth anniversary of the date of the appointment or reappointment.
(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.
SUBCHAPTER C. POWERS AND DUTIES
Sec. 7951A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.
Sec. 7951A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.
Sec. 7951A.0303. AUTHORITY FOR ROAD PROJECTS.

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(b) Temporary directors serve until the earlier of:
(1) the date permanent directors are elected under Section 7951A.0103; or
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(c) If permanent directors have not been elected under Section 7951A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:
(1) the date permanent directors are elected under Section 7951A.0103; or
(2) the fourth anniversary of the date of the appointment or reappointment.
(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.
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Under Section 52, Article III, Texas Constitution, and, if authorized at an election held under Section 53.029(c), Water Code, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7951A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 7951A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7951A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

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Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

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

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

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(1) revenue other than ad valorem taxes; or

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(2) contract payments described by Section 7951A.0403.
(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.
(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.
Sec. 7951A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7951A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.
(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.
Sec. 7951A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.
(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.
SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS
Sec. 7951A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to

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pay for any authorized district purpose.

Sec. 7951A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7951A.0503. BONDS FOR ROAD PROJECTS. 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 the real property in the district.

SECTION 2. The Creedmoor Municipal Utility District initially includes all the territory contained in the following area:

TRACT I

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 134.000 acres situated in the Elijah Caples League Survey No. 7, Abstract No. 155, Travis County, Texas, being a portion of that certain 148.94 acre tract, conveyed to C. L. Thomas Holdings, LLC as recorded in Document No. 2014173787 of the Official Public Records of Travis County, Texas; the said 134.000 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron pipe found for the northeast corner of the said 148.94 acre tract, same being the southeast corner of the remainder of that certain 74.8 acre tract, conveyed to Humbert R. Ventura by probate as recorded in Volume 12557, Page 35 of the Real Property Records of

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pay for any authorized district purpose.

Sec. 7951A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7951A.0503. BONDS FOR ROAD PROJECTS. 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 the real property in the district.

SECTION 2. Same as House version.

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Travis County, Texas and being on the northwesterly line of that certain 22.325 acre tract described as Tract 3, conveyed to JMJ LLC as recorded in Document No. 2018066108 of the said Official Public Records;

THENCE, S42°13'26"W, leaving the southwesterly line of the said 74.8 acre tract, with the southeasterly line of the said 148.94 acre tract and northwesterly line of the said Tract 3 and the northwesterly line of that certain 22.325 acre tract (Tract III) conveyed to JMJ LLC as recorded in Document No. 2017146247 of the said Official Public Records, for a distance of 2266.21 feet to a concrete monument found for the common southeast corner of the aforesaid 148.94 acre tract and the said 22.325 acre tract, on the existing northeasterly right-of-way line of Old Lockhart Road (right-of-way varies);

THENCE, N63°07'05"E, leaving the northwesterly line of the said Tract III and with the southwesterly line of the said 148.94 acre tract and the northeasterly right-of-way line of Old Lockhart Road, for a distance of 3685.69 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set;

THENCE, N26°52'55"E, leaving the northeasterly right-of-way line of Old Lockhart Road, across the said 148.94 acre tract, for a distance of 704.72 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set on the northerly line of the said 148.94 acre tract same being the southerly right-of-way line of State Highway 45 (SH 45) (right-of-way varies), as described to the State of Texas (47.679 acres - Parcel 714) in Document No. 2007143559 of the said Official Public Records, from which TxDOT brass disk found on the southerly right-of-way line bears N71°13'19"W, 146.00 feet;

THENCE, with the common northerly line of the said 148.94 acre tract and the southerly right-of-way line of SH 45, for the following seven (7) courses:

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- 1) S71°13'19"E, 50.52 feet to a TxDOT brass disk found;
 - 2) S74°24'20"E. 225.01 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set;
 - 3) S76°44'38"E, 237.76 feet to a TxDOT brass disk found for the point of curvature for a non-tangent curve to the left;
 - 4) With said non-tangent curve to the left, having a central angle of 24°35'52", a radius of 4174.50 feet, a chord distance of 1778.43 (chord bears S85°28'34"E), passing a TxDOT brass disk found at an arc distance of 807.02, for a total arc distance 1792.16 feet to a TxDOT brass disk found for the point of tangency;
 - 5) N82°13'31"E, passing a TxDOT brass disk at 160.58 feet, for a total distance of 380.81 feet to a TxDOT brass disk found for the point of curvature for a non-tangent curve to the left;
 - 6) With said non-tangent curve to the left, having a central angle of 04°12'53", a radius of 12,000.00 feet, a chord distance of 882.55 feet (chord bears N84°14'58"E), for an arc distance of 882.75 feet to a TxDOT brass disk found for a point non-tangency;
 - 7) N56°45'06"E, 72.87 feet to a 1/2" iron rod, with TxDOT aluminum cap, found for the most easterly north corner of the said 148.94 tract, same being the westerly corner of the remainder of that certain 0.682 acres, described as Tract 2, recorded in Document 2018156843 of the said Official Public Records;
- THENCE, S59°42'07"E, leaving the southerly right-of-way line of SH 45, with the common northeasterly line of the said 148.94 acre tract and the southwesterly line of the said 0.682 acre tract, for a distance of 277.84 feet to a 1/2" iron pipe found for the southeast corner of the said 0.682 acre tract and southwesterly corner of the aforesaid 74.8 acre tract;

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THENCE, S59°59'13"E, with the common northwesterly line of the said 148.94 acre tract and southwesterly line of the said 74.84 acre tract, for a distance of 769.85 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 134.000 acres of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

TRACT II

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 78.934 acres situated in the William P. Corbin League Survey, Abstract No. 159, Travis County, Texas, being the remainder of that 87 acre tract, described as Tracts 1, 2 and 3 in the deed conveyed to Veleria Graef Hohertz and Arlon Wayne Graef as recorded in Document No. 2017122621 of the Official Public Records of Travis County, Texas; the said 78.934 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod, without cap, found for the southeast corner of the herein described tract, same being the southwest corner of that 2.728 acre tract conveyed to George A. Soria by deed recorded in Volume 10335, Page 141 of the Real Property Records of Travis County, Texas, and a point on the existing northerly right-of-way line of Turnersville Road (right-of-way varies);

THENCE, N62°19'41"W, leaving the westerly line of the said 2.728 acre tract, with the common southerly line of the said 87 acre tract and northerly right-of-way line of Turnersville Road, for a distance of 1136.36 feet to a 1/2" iron rod, with cap, found for the southeast corner of that 1.82 acre tract conveyed to Richard A. Schmidt by deed recorded in Document No. 2019020106 of the said Official Public Records;

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THENCE, N00°29'43"W, leaving the northerly right-of-way line of Turnersville Road, across the said remainder of the 87 acre tract, with the easterly line of the said 1.82 acre tract, for a distance of 421.83 feet to a calculated point for the northeast corner of the aforesaid 1.82 acre tract, being the southeast corner of that 2.18 acre remainder of that 4.0 acre tract conveyed to Robert A. Schmidt by deed recorded in Document No. 2019017058 of the said Official Public Records;

THENCE, N00°29'43"W, leaving the northerly line of the said 1.82 acre tract and continuing across the said 87 acre tract, with the easterly line of the said 2.18 acre tract, for a distance of 195.16 feet to a 1/2" iron pipe found for the northeast corner of the aforesaid 2.18 acre tract, same being in the southerly line of that 2.50 acre tract (Remainder of 4.00 acre Tracts 1 and 2), conveyed to Jorge Ruiz Sanchez by deed recorded in Document No. 2006008601 of the said Official Public Records;

THENCE, leaving the southerly line of the said 2.18 tract, and continuing across the said 87 acre tract, with the southerly and easterly line of the said 2.50 acre tract, for the following three (3) courses

- 1) S65°36'06"E, 41.42 feet to a 1/2" iron rod pipe found for the most southerly corner of the aforesaid 2.50 acre tract;
- 2) N12°03'22"E, 311.02 feet to a fence post for an angle point;
- 3) N03°45'59"E, 91.37 feet to a 1/2" iron pin found, no cap, for the northeast corner of the aforesaid 2.50 acre tract, same being the southwest corner of that 1.50 acre tract conveyed to Valentin Benitez-Benitez by deed recorded in Document No. 2014109464 of the said Official Public Records;

THENCE, leaving the northerly line of the said 2.50 acre

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tract, across the said 87 acre tract, with the easterly and northerly line of the said 1.50 acre tract, for the following two (2) courses:

- 1) N03°45'59"E, 187.42 feet to a fence corner post found for corner;
- 2) N86°49'20"W, 355.99 feet to a 1" iron rod, without cap, found for the northwest corner of the aforesaid 1.50 acre tract, same being on the common occupied westerly line of the 87 acre tract and easterly right-of-way line of Williamson Road (right-of-way varies);

THENCE, N00°33'27"W, leaving the northerly line of the 1.50 acre tract, across the said 87 acre tract, with the easterly right-of-way line of Williamson Road, for a distance of 914.74 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for the most northerly corner of the herein described tract, same being on the occupied southwest right-of way line of Old Lockhart Highway (right-of-way varies);

THENCE, S63°21'38"E, leaving the southerly right-of-way of Williamson Road, across the said 87 acre tract, with the southwest right-of-way line of the Old Lockhart Highway, 2802.82 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for the most easterly corner of the herein described tract, same being the northwest corner of that 7.728 acre tract conveyed to Linda Thompson and Larry D. Thompson by deed recorded in Document No. 2008094501 of the said Official Public Records;

THENCE, leaving the southwest right-of-way line of Old Lockhart Highway along the southeast line of the said 87 acre tract, being the northwest line of the said 7.728 acre tract and the aforesaid 2.728 acre tract, for the following four (4) courses:

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- 1) S42°01'19"W, 786.97 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set, from which a 1/2" iron rod found, no cap, bears N06°44'11"E, 1.37 feet;
 - 2) S41°46'24"W, passing at 406.30 feet the northwest corner of the aforesaid 2.728 acre tract for a total distance of 449.42 feet;
 - 3) S42°05'30"W, 328.50 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set;
 - 4) S42°17'24"W, 302.91 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 78.934 acres of land area.
- Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

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

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

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

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

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SECTION 3. Same as House version.

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and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7951A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7951A.0306 to read as follows:

Sec. 7951A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

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

SECTION 4. Same as House version.

SECTION 5. Same as House version.