By:  Gates (Senate Sponsor - Kolkhorst) H.B. No. 5325

(In the Senate - Received from the House May 3, 2023; May 5, 2023, read first time and referred to Committee on Local Government; May 10, 2023, reported favorably by the following vote: Yeas 9, Nays 0; May 10, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Springer          X

Eckhardt          X

Gutierrez         X

Hall              X

Nichols           X

Parker            X

Paxton            X

West              X

A BILL TO BE ENTITLED

AN ACT

relating to the boundaries of the Fort Bend County Municipal Utility District No. 144.

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

SECTION 1.  DEFINITION. In this Act, "district" means the Fort Bend County Municipal Utility District No. 144.

SECTION 2.  EXCLUSION OF TERRITORY.  The boundaries of the district are adjusted to exclude the following parcel of land:

35.460 acres of land situated in the Wm. Lusk Survey, Abstract 276, Fort Bend County, Texas, being that certain called 35.46-acre tract of land as described in deed and recorded in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File Number 2003148301, said 35.460 acres of land being more particularly described by metes and bounds as follows, bearing orientation is based on the Texas Coordinate System of 1983, South Central Zone:

COMMENCING at a P.K. nail found at the northeasterly corner of the Wm. Lusk Survey, Abstract 276, being the southeasterly corner of the Jane H. Long Survey, Abstract 55 and being in the northwesterly line of the Wiley Martin Survey, Abstract 56;

Thence, N 67'42'50" W, with the common line of the Wm. Lusk and Jane H. Long Surveys, a distance of 2765.00 feet to a 5/8-inch iron rod with cap set for the POINT OF BEGINNING of the herein described tract;

Thence, S 22'17'36" W, with the northwesterly line of that certain called 3.42-acre tract of land as described in deed and recorded In the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File Number 9722217, a distance of 261.42 feet to a point in the northerly right-of-way line of F.M. 762 (based on a width of 100.00 feet), from which a found 3/4 inch iron pipe bears N 29°32' E, a distance of 0.4 feet;

Thence, N 83'10'49" W, with the northerly right-of-way line of F.M. 762, a distance of 858.67 feet to a 3/4-inch iron pipe found for a point of curvature to the right;

Thence in a northwesterly direction along the northeasterly right-of-way line of F.M. 762 with said curve to the right, having a central angle of 19'38'05', a radius of 5670.00 feet, an arc length of 1943.07 feet and having a chord bearing of N 73°21'47' W, a distance of 1933.57 feet to a 3/4 inch iron pipe found In the southeasterly line of the Robert E. Hardy Survey, Abstract 187;

Thence, N 22°22'55" E, with the southeasterly line of the Robert E. Hardy Survey, a distance of 680.74 feet to a 3/4 Inch iron pipe found in the southwesterly line of the Jane H. Long Survey;

Thence, S 67°42'50" E, with the southwesterly line of the Jane H. Long Survey, a distance of 2750.66 feet to the POINT OF BEGINNING and containing 35.460 acres of land.

SECTION 3.  RIGHTS OF BONDHOLDERS. The exclusion of property under this Act does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district.

SECTION 4.  APPORTIONMENT OF DISTRICT INDEBTEDNESS. (a) The excluded property is not released from the payment of its pro rata share of the district's indebtedness.

(b)  The district shall continue to levy taxes each year on the property excluded from the district at the same rate levied on other property of the district until the taxes collected from the excluded property equal the property's pro rata share of the indebtedness of the district on the effective date of this Act. The taxes collected shall be applied exclusively to the payment of the excluded property's pro rata share of the indebtedness.

(c)  The owner of any part of the excluded property at any time may pay in full the owner's share of the pro rata share of the indebtedness of the district. The district may apply all or a portion of funds previously paid or advanced to the district by an owner of any part of the excluded property toward the payment of the owner's pro rata share of the indebtedness of the district.

SECTION 5.  NOTICE. (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 and accomplished.

SECTION 6.  EFFECTIVE DATE.  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, 2023.

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