

By: Gerdes

H.B. No. 4307

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Maxwell Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7961 to read as follows:

CHAPTER 7961. MAXWELL MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7961.0101. 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 Maxwell Municipal Utility District No. 1.

Sec. 7961.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7961.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 7961.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7961.0103 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. 7961.0105. 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. 7961.0106. 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. 7961.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7961.0202, directors
6 serve staggered four-year terms.

7 Sec. 7961.0202. 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 7961.0103; 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 7961.0103 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 7961.0103; or

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7961.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7961.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7961.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 7961.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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. 7961.0305. 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 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 7961.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
17 The district may issue, without an election, bonds and other
18 obligations secured by:

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

20 (2) contract payments described by Section 7961.0403.

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

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

election held for that purpose.

Sec. 7961.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7961.0401, 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. 7961.0403. 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. 7961.0501. 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 pay for any authorized district purpose.

Sec. 7961.0502. 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. 7961.0503. 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 Maxwell Municipal Utility District No. 1 initially includes all the territory contained in the following area:

BEING A 1,044.73 ACRE TRACT IN OF THE C. WESTERFELD SURVEY, ABSTRACT NUMBER 324, THE J.H. FOLLEY SURVEY, ABSTRACT NUMBER 107, THE H. MCNEIL SURVEY, ABSTRACT NUMBER 199, AND THE W. BARBER SURVEY ABSTRACT NUMBER 48, CALDWELL COUNTY, TEXAS, SAID 1,044.73 ACRE TRACT BEING ALL OF A CALLED 1.9077 ACRE TRACT (KNOWN AS TRACT 3), A CALLED 141.205 ACRE TRACT (KNOWN AS TRACT 1) AND A 600.607 ACRE TRACT (KNOWN AS TRACT 2), DESCRIBED IN A DEED TO TACK REDWOOD PARTNERS, AS RECORDED IN DOCUMENT NUMBER 2021009027 OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS [O.P.R.C.C.T.], ALSO BEING ALL OF A CALLED 149.979 ACRE TRACT DESCRIBED IN A DEED TO DORIS STEUBING RECORDED IN DOCUMENT NUMBER 2019005265 [O.P.R.C.C.T.], AND ALL OF A CALLED 150.00 ACRE TRACT DESCRIBED IN A DEED TO KYRAN W. FEY JR., AND WIFE JUDY A. FEY RECORDED IN VOLUME 206, PAGE 627 [O.P.R.C.C.T.], SAID 1,004.73 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found on the south right-of-way

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1 line of Highway 142 (deed of record not found) at the northeast
2 corner of a called 25.977-acre tract described in a deed to Lawrence
3 V. Bumb recorded in Volume 320, Page 296, Deed Records of Caldwell
4 County, Texas [D.R.C.C.T.], and for the northwest corner of the
5 said 1.9077-acre tract, same being for the POINT OF BEGINNING of the
6 tract described herein;

7 THENCE with the south right-of-way line of the said Highway 142, and
8 the north line of the said 1.9077-acre tract and the northwest line
9 of the said 141.205-acre tract, the following three (3) courses and
10 distances:

11 1) N87°16'44"E, a distance of 785.16 feet to a concrete
12 highway monument found for the most easterly corner of the said
13 1.9077-acre tract,

14 2) N87° 18'58"E, a distance of 1585.93 feet to a concrete
15 highway monument found for an angle corner of the tract described
16 herein, and

17 3) N87°20'00 'E, a distance of 73.38 feet to a fence post
18 found for the most northwesterly corner of a called 86.278-acre
19 tract conveyed to Straight Down LLC (deed of record not found, tax
20 Parcel ID number 113768), same being for the most northerly corner
21 of the said 141.205-acre tract and the tract described herein;

22 THENCE with the northeast line of the said 141.205-acre tract and
23 the southwest line of the said 86.278-acre tract the following
24 three (3) courses and distances:

25 1) S40°44'58 'E, a distance of 896.28 feet to a 5/8-inch iron
26 rod found for an angle corner,

27 2) S48°48'24 'W, a distance of 468.42 feet to a 5/8-inch iron

1 rod found for an angle corner, and

2 3) S40°26'28"E, a distance of 2,795.99 feet to a 1/2-inch
3 iron rod with cap stamped "Chap" found for the most southeasterly
4 corner of the said 86.278-acre tract, and on a northwest line of the
5 said 600.507-acre tract and an angle corner of the tract described
6 herein;

7 THENCE N58°02'10"E, with the line common to the said 600.507-acre
8 tract and the said 86.278-acre tract, a distance of 1,189.91 feet to
9 a 4-inch iron pipe found on the southeast line of a called 2.78-acre
10 tract conveyed to Frazier Land & Cattle Co. LLC., (deed of record
11 not found, Tax Parcel ID 40622), for the southwest corner of a
12 called 5.96-acre tract conveyed to Frazier Land & Cattle (deed of
13 record not found, Tax Parcel ID 40623) and for a north corner of the
14 said 600.507-acre tract and the tract described herein;

15 THENCE S33°23'09"E with the line common to the said 600.507-acre
16 tract the said 5.96-acre tract, a called 7.07-acre tract described
17 in a deed to Richard W. Castillion recorded in Document Number
18 2016-001683 [O.P.R.C.C.T.], a called 5.59-acre tract described in a
19 deed to Clyde S. Arms & Tina M. McFerrin recorded in Volume 370,
20 Page 843 [D.R.C.C.T.], a called 8.5-acre tract conveyed to Sabine
21 Hinkle (deed of record not found, Tax Parcel ID 40627), and a called
22 340.368-acre tract described in a deed to LLTXLP LLC., recorded in
23 Document Number 2021-005216 [O.P.R.C.C.T.] a distance of 4,230.64
24 feet to a 4-inch metal Fence Post found on the west line of the said
25 149.979-acre tract, and for the southeast corner of the said
26 340.368-acre tract and for an angle corner of the tract described
27 herein;

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1 THENCE N48°18'30"E, with the east line of the said 340.368-acre
2 tract and the west line of the said 149.979-acre tract, a distance
3 of 978.30 feet to a 1/2-inch iron rod with cap stamped "Hinkle"
4 found on the south right-of-way line of Tower Road (deed of record
5 not found), at the northwest corner of the said 149.979-acre tract
6 and for an angle corner of the tract described herein;

7 THENCE S28°41'54"E, with the south right-of-way line of the said
8 Tower Road and the north line of the said 149.979-acre tract, a
9 distance of 1,548.68 feet to a 1/2-inch iron rod with cap stamped
10 "Hinkle" found for the most northwesterly corner of a called
11 11.413-acre tract described in a deed to Stacey M. Sjogren recorded
12 in Document Number 2021-000069 [O.P.R.C.C.T.];

13 THENCE with the east line of the said 149.979-acre tract and the
14 west line of the said 11.413-acre tract and the west line of a
15 called 11-acre tract described to Hernandez recorded in Document
16 Number 2019-003033 [O.P.R.C.C.T.], the following 3 courses and
17 distances:

18 1) S54°09'43"W, a distance of 2,428.50 feet to a 1/2-inch
19 iron rod with cap stamped "Hinkle" found for an angle point of the
20 said 11-acre tract, the said 149.979-acre tract and the tract
21 described herein,

22 2) S40°18'17"W, a distance of 145.04 feet to a 1/2-inch iron
23 rod with cap stamped "Hinkle" found for the most southwesterly
24 corner of the said 11-acre tract, for an angle point of the said
25 149.979-acre tract and the tract described herein, and

26 3) S49°47'47"E, a distance of 201.60 feet to a Fence Post
27 found for a northwesterly corner of the said 150.00-acre tract,

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1 same being a southeasterly corner of the said 11-acre tract and an
2 angle corner of the said 149.979-acre tract and the tract described
3 herein;

4 THENCE N78°32'26"E, with the north line of the said 150.00-acre
5 tract and the southeast line of the said 11-acre tract, a distance
6 of 393.17 feet to a 1/2-inch iron rod found on the southeast line of
7 the said 11-acre tract, for the most westerly corner of a called
8 26.166-acre tract described in a deed to Veterans Land Board
9 recorded in Document Number 370-114820 [O.P.R.C.C.T.], and for an
10 angle corner of the said 150.00-acre tract and the tract described
11 herein;

12 THENCE S41°30'17"E, with the north line of the said 150.00-acre
13 tract, the south line of the said 26.166-acre tract, and the south
14 line of a called 5.00-acre tract described in a deed to Stairtown
15 LTD., recorded in Volume 217, Page 713 [O.P.R.C.C.T.], a distance
16 of 2,387.02 feet passing a 1/2-inch iron rod found at the southeast
17 corner of the said 25.166-acre tract, same being at the southwest
18 corner of the said 5.00-acre tract, and continuing a total distance
19 of 3,234.01 feet to a fence post found on the west right-of-way line
20 of Dickerson Road (deed of record not found), at the southeast
21 corner of the said 5.00-acre tract, at the east corner of the said
22 150.00-acre tract and the tract described herein;

23 THENCE with the east line of the said 150.00-acre tract and the west
24 right-of-way line of the said Dickerson Road, the following three
25 (3) courses and distances:

26 1) S48°36'10"W, a distance of 50.41 feet passing a 1/2-inch
27 iron rod found, and continuing a total distance of 799.53 feet to an

1 8-inch wood Fence Post found for an angle corner,

2 2) S48°34'49"W, a distance of 515.97 feet to an 8-inch wood
3 Fence Post found for an angle corner, and

4 3) S47°56'04"W, a distance of 545.47 feet to a 2-inch metal
5 Fence Post found at the lower northeast corner of a called
6 150.00-acre tract described in a deed to Robert D. Norris recorded
7 in Volume 392, Page 217 [O.P.R.C.C.T.], for the southeast corner of
8 the said 150.00-acre tract (Fey Tract), and the tract described
9 herein;

10 THENCE N41°29'29"W, with the south line of the said 150.00-acre
11 tract (Fey Tract) and the north line of the said 150.00-acre tract
12 (Norris Tract), a distance of 3,647.86 feet to a Fence Post found
13 for the southwest corner of the said 150.00-acre tract (Fey Tract),
14 same being on the east line of the said 149.979-acre tract and for
15 an angle corner of the said 150.00-acre tract (Norris Tract) and the
16 tract described herein;

17 THENCE with the lines common to the said 149.979-acre tract and the
18 said 150.00-acre tract (Norris Tract), the following two (2)
19 courses and distances:

20 1) S51°24'05"W, a distance of 601.81 feet to a 1/2-inch iron
21 rod with cap stamped "Hinkle" found for the southeast corner of the
22 said 149.979-acre tract, same being an angle corner of the said
23 150.00-acre tract (Norris Tract) and the tract described herein,
24 and

25 2) N38°40'27"W, a distance of 1254.84 feet to a 1/2-inch iron
26 rod with cap stamped "Hinkle" found on the east line of a called
27 150.4-acre tract conveyed to Capital Land Investments I LP (deed of

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1 record not found, Tax Parcel ID 103433), for the most westerly
2 northwest corner of the said 150.00-acre tract (Norris Tract), at
3 the southwest corner of the said 149.979-acre tract, and for an
4 angle corner of the tract described herein;

5 THENCE N48°29'20"E, with the line common to the said 149.979-acre
6 tract and the said 150.4-acre tract, a distance of 342.25 feet to a
7 1/2-inch iron rod with cap stamped "Hinkle" found for the northeast
8 corner of the said 150.4-acre tract, for the southeast corner of the
9 said 600.507-acre tract, and for an angle corner of the tract
10 described herein;

11 THENCE N41°43'31"W, with the south line of the said 600.507-acre
12 tract, the north line of the said 150.4-acre tract, and the north
13 line of a called 251.37-acre tract described in a deed to Capital
14 Land Investments I LP., recorded in Document Number 2020-003860
15 [O.P.R.C.C.T.], a distance of 9,229.35 feet to a 1/2-inch iron rod
16 with cap stamped "Chap" found on the east right-of-way line of
17 Railroad Street, for the most northerly corner of the said
18 251.37-acre tract, same being the most westerly corner of the said
19 600.507-acre tract and the tract described herein;

20 THENCE with the east right-of-way line of the said Railroad Street
21 and the west line of the said 600.507-acre tract the following two
22 (2) courses and distances:

23 1) N47°56'05"E, a distance of 346.41 feet to a fence post
24 found for an angle corner, and

25 2) N37°04'12"W, a distance of 12.70 feet to a fence post
26 found for the south corner of the said 25.977-acre tract, same being
27 an angle corner of the said 600.507-acre tract and the tract

described herein;

THENCE with the east line of the said 25.977-acre tract and the west line of the said 600.507-acre tract the following five (5) courses and distances:

1) N48°29'32"E, a distance of 638.15 feet to an 8-inch wood Fence Post found for an angle corner,

2) N60°57'02"E, a distance of 77.24 feet an 8-inch wood Fence Post found for an angle corner,

3) N45°38'08"E, a distance of 812.56 feet to a 4-inch metal pipe found for the most easterly corner of the said 25.977-acre tract,

4) S58°09'22"W, a distance of 176.54 feet to a 1/2-inch iron rod found for an angle corner,

5) N41°17'54"W, a distance of 297.33 feet to the POINT OF BEGINNING and containing 1,044.73-acres, more or less.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.00012 using CP1 as point of origin.

Units: U.S. Survey Feet.

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.

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

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

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

12 SECTION 4. (a) If this Act does not receive a two-thirds
13 vote of all the members elected to each house, Subchapter C, Chapter
14 7961, Special District Local Laws Code, as added by Section 1 of
15 this Act, is amended by adding Section 7961.0306 to read as follows:

16 Sec. 7961.0306. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain.

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

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2023.