

By: Rogers

H.B. No. 5358

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Ranger Ridge Municipal Utility District of Palo Pinto County; 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 7998A to read as follows:

CHAPTER 7998A. RANGER RIDGE MUNICIPAL UTILITY DISTRICT OF PALO

PINTO COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7998A.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 Ranger Ridge Municipal Utility District of Palo Pinto County.

Sec. 7998A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7998A.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

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7998A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7998A.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 as required by
8 applicable law.

9 Sec. 7998A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

10 (a) The district is created to serve a public purpose and benefit.

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

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

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

18 Sec. 7998A.0106. INITIAL DISTRICT TERRITORY. (a) The
19 district is initially composed of the territory described by
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

26 (2) right to issue any type of bond for the purposes
27 for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 7998A.0201. GOVERNING BODY; TERMS. (a) The district
6 is governed by a board of five elected directors.

7 (b) Except as provided by Section 7998A.0202, directors
8 serve staggered four-year terms.

9 Sec. 7998A.0202. TEMPORARY DIRECTORS. (a) The temporary
10 board consists of:

11 (1) Christopher Sells;

12 (2) Mark Gallas;

13 (3) Corbitt Burns;

14 (4) Daniel Pullin; and

15 (5) John Neuman.

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

17 (1) the date permanent directors are elected under
18 Section 7998A.0103; or

19 (2) the fourth anniversary of the effective date of
20 the Act enacting this chapter.

21 (c) If permanent directors have not been elected under
22 Section 7998A.0103 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 7998A.0103; or

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

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

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 7998A.0301. GENERAL POWERS AND DUTIES. The district
12 has the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 7998A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 7998A.0303. AUTHORITY FOR ROAD PROJECTS. Under
20 Section 52, Article III, Texas Constitution, the district may
21 design, acquire, construct, finance, issue bonds for, improve,
22 operate, maintain, and convey to this state, a county, or a
23 municipality for operation and maintenance macadamized, graveled,
24 or paved roads, or improvements, including storm drainage, in aid
25 of those roads.

26 Sec. 7998A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
27 road project must meet all applicable construction standards,

1 zoning and subdivision requirements, and regulations of each
2 municipality in whose corporate limits or extraterritorial
3 jurisdiction the road project is located.

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

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

12 Sec. 7998A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
13 ORDINANCE OR RESOLUTION. The district shall comply with all
14 applicable requirements of any ordinance or resolution that is
15 adopted under Section 54.016 or 54.0165, Water Code, and that
16 consents to the creation of the district or to the inclusion of land
17 in the district.

18 Sec. 7998A.0306. DIVISION OF DISTRICT. (a) The board, on
19 its own motion or on receipt of a petition signed by the owner or
20 owners of a majority of the assessed value of the real property in
21 the district, may adopt an order dividing the district.

22 (b) An order dividing a district may create one or more new
23 districts and may provide for the continuation of the district.

24 (c) An order dividing the district shall:

25 (1) name any new district;

26 (2) include the metes and bounds description of the
27 territory of each of the districts;

1 (3) appoint temporary directors for any new district;

2 and

3 (4) provide for the division of assets and liabilities
4 between the districts.

5 (d) The board may adopt an order dividing the district
6 before or after the date the board holds an election to confirm the
7 district's creation.

8 (e) The district may be divided only if the district:

9 (1) has never issued any bonds; and

10 (2) is not imposing ad valorem taxes.

11 (f) A new district created by the division of the district
12 may not, at the time the new district is created, contain any land
13 outside the area described by Section 2 of the Act enacting this
14 chapter.

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

19 (h) 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 (i) A new district created by the division of the district
23 shall hold a confirmation and directors' election.

24 (j) 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 (k) A 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 (1) The district may continue to rely on confirmation,
5 directors', bond, or tax elections held prior to the division.

6 (m) Municipal consent to the creation of the district and to
7 the inclusion of land in the district acts as municipal consent to
8 the creation of any new district created by the division of the
9 district and to the inclusion of land in the new district.

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 7998A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

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

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

15 (2) contract payments described by Section
16 7998A.0403.

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

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

25 Sec. 7998A.0402. OPERATION AND MAINTENANCE TAX. (a) If

26 authorized at an election held under Section 7998A.0401, the
27 district may impose an operation and maintenance tax on taxable

1 property in the district in accordance with Section 49.107, Water
2 Code.

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

5 Sec. 7998A.0403. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

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

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 7998A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, contract payments, grants, or other district money, or any
19 combination of those sources, to pay for any authorized district
20 purpose.

21 Sec. 7998A.0502. TAXES FOR BONDS. At the time the district
22 issues bonds payable wholly or partly from ad valorem taxes, the
23 board shall provide for the annual imposition of a continuing
24 direct ad valorem tax, without limit as to rate or amount, while all
25 or part of the bonds are outstanding as required and in the manner
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 7998A.0503. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations
2 issued or incurred to finance road projects and payable from ad
3 valorem taxes may not exceed one-fourth of the assessed value of the
4 real property in the district.

5 SECTION 2. The Ranger Ridge Municipal Utility District of
6 Palo Pinto County initially includes all the territory contained in
7 the following area:

8 WHEREAS Ranger Ridge, Ltd./Estates at Ranger Ridge, LLC is the
9 owner of a tract of land situated in the W. Cochran Survey, Abstract
10 No. 129, M. Baker Survey, Abstract No. 51, C. Massie Survey,
11 Abstract No. 1499, T. & P. RR Co. Survey, Abstract No. 803, T. & P.
12 RR Co. Survey, Abstract No. 825, T. & P. RR Co. Survey, Abstract
13 No. 832, T. & P. RR Co. Survey, Abstract No. 835, M. Hutchins
14 Survey, Abstract No. 1430, M. Hutchins Survey, Abstract No. 1431,
15 J. Hutchins Survey, Abstract No. 1109, J. Hutchins Survey, Abstract
16 No. 1110, T. Dickson Survey, Abstract No. 1576, B. Harris Survey,
17 Abstract No. 1638, and the G. Cowden Survey, Abstract No. 1463
18 according to the deed recorded in Volume 2353, Page 508 of the Deed
19 Records, Palo Pinto County, Texas (DRPPCT) with the subject tract
20 being more particularly described as follows:

21 BEGINNING at a 1/2" iron rod found with plastic cap stamped "Price
22 Surveying" in the northeast corner of said Ranger Ridge tract;
23 THENCE North 83°16'58" East, 2,287.30 feet to a 3" steel post;
24 THENCE North 89°11'08" East, 506.18 feet to a 1/2" iron rod found
25 with plastic cap stamped "Price Surveying", being in the west line
26 of State Highway 16, a variable width right-of-way;
27 THENCE South 22°11'43" West, 1,858.07 feet to a 1/2" iron rod found

1 with plastic cap stamped "RPLS 6224";
2 THENCE South 23°16'30" West, 1,148.61 feet to a 1/2" iron rod found
3 with plastic cap stamped "RPLS 6224";
4 THENCE South 21°10'47" West, 2,340.55 feet to a 1/2" iron rod found
5 with plastic cap stamped "RPLS 6224";
6 Around a non-tangent curve concave easterly, said curve has a
7 radius of 5,455.19 feet, a central angle of 14°48'48", an arc length
8 of 1,410.39, a chord length of 1,406.47, to which a radial line
9 bears North 66°49'57" West to a 1/2" iron rod found with plastic cap
10 stamped "RPLS 6224";
11 THENCE North 81°05'44" West, 498.57 feet to a 3" steel post;
12 THENCE South 86°33'16" West, 638.72 feet to a 3" steel post;
13 THENCE North 85°51'29" West, 1,497.49 feet to a 3" steel post;
14 THENCE South 84°57'06" West, 2,296.91 feet to a 6" steel post;
15 THENCE South 83°56'05" West, 2,681.93 feet to a 3" iron pipe post w/
16 brass cap stamped "Texas-Pacific Coal & Oil Co.";
17 THENCE North 5°42'14" West, 2,684.13 feet to a 1/2" iron rod found
18 with plastic cap stamped "RPLS 6224";
19 THENCE South 83°37'28" West, 5,279.76 feet to a 3" iron pipe post w/
20 brass cap stamped "Texas-Pacific Coal & Oil Co.";
21 THENCE South 5°47'22" East, 455.22 feet to a 3" iron pipe post w/
22 brass cap stamped "Texas-Pacific Coal & Oil Co.";
23 THENCE South 84°17'07" West, 2,873.41 feet to a 1/2" iron rod found
24 with plastic cap stamped "RPLS 6224";
25 THENCE North 5°30'31" West, 2,647.31 feet to a 1" iron pipe;
26 THENCE North 5°20'11" West, 2,644.23 feet to a 5/8" iron rod with
27 broken cap;

1 THENCE North 84°27'03" East, 2,868.63 feet to a 5/8" iron rod with
2 broken cap;
3 THENCE (19) North 5°27'38" West, 480.33 feet to a 3/8" iron rod with
4 plastic cap stamped "Carter 5691";
5 THENCE North 84°34'58" East, 5,255.53 feet to a 3/8" iron rod with
6 plastic cap stamped "Carter 5691";
7 THENCE North 84°37'28" East, 2,316.54 feet to a 1/2" iron rod with
8 plastic cap stamped "RPLS 6224";
9 THENCE North 84°37'28" East, 3,068.08 feet to a 1/2" iron rod with
10 plastic cap stamped "RPLS 6224";
11 THENCE North 84°37'28" East, 2,453.80 feet to a 1/2" iron rod with
12 plastic cap stamped "Price Surveying";
13 THENCE South 9°22'42" East, 623.06 feet to a 3" steel post;
14 THENCE South 46°49'15" East, 30.40 feet to a 3" steel post;
15 THENCE South 32°19'51" East, 39.42 feet to a 3" steel post;
16 THENCE South 25°25'41" East, 131.97 feet to a 3" steel post;
17 THENCE South 0°01'38" East, 650.88 feet to a 1/2" iron rod with
18 plastic cap stamped "RPLS 6224";
19 THENCE South 2°36'29" West, 777.23 feet to 3" steel post;
20 THENCE South 2°47'04" West, 8.71 feet to the POINT OF BEGINNING,
21 being a 1/2" iron rod found with plastic cap stamped "Price
22 Surveying" with the subject tract containing 112,422,793.59 square
23 feet or 2,580.87 acres of land more or less.

24 SECTION 3. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

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

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

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

15 SECTION 4. (a) If this Act does not receive a two-thirds
16 vote of all the members elected to each house, Subchapter C, Chapter
17 7998A, Special District Local Laws Code, as added by Section 1 of
18 this Act, is amended by adding Section 7998A.0307 to read as
19 follows:

20 Sec. 7998A.0307. NO EMINENT DOMAIN POWER. The district may
21 not exercise the power of eminent domain.

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

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 5358

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.