

1-1 By: Rogers, Capriglione (Senate Sponsor - King) H.B. No. 5358
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 10, 2023, read first time and referred to Committee on Local
 1-4 Government; May 19, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Ranger Ridge Municipal Utility
 1-20 District of Palo Pinto County; granting a limited power of eminent
 1-21 domain; providing authority to issue bonds; providing authority to
 1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7998A to read as follows:

1-26 CHAPTER 7998A. RANGER RIDGE MUNICIPAL UTILITY DISTRICT OF PALO
 1-27 PINTO COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7998A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Ranger Ridge Municipal
 1-35 Utility District of Palo Pinto County.

1-36 Sec. 7998A.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 7998A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 7998A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 7998A.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district as required by
 1-49 applicable law.

1-50 Sec. 7998A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 7998A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by
 1-61 Section 2 of the Act enacting this chapter.

2-1 (b) The boundaries and field notes contained in Section 2 of
 2-2 the Act enacting this chapter form a closure. A mistake made in the
 2-3 field notes or in copying the field notes in the legislative process
 2-4 does not affect the district's:

- 2-5 (1) organization, existence, or validity;
- 2-6 (2) right to issue any type of bond for the purposes
 2-7 for which the district is created or to pay the principal of and
 2-8 interest on a bond;
- 2-9 (3) right to impose a tax; or
- 2-10 (4) legality or operation.

2-11 SUBCHAPTER B. BOARD OF DIRECTORS

2-12 Sec. 7998A.0201. GOVERNING BODY; TERMS. (a) The district
 2-13 is governed by a board of five elected directors.

2-14 (b) Except as provided by Section 7998A.0202, directors
 2-15 serve staggered four-year terms.

2-16 Sec. 7998A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-17 board consists of:

- 2-18 (1) Christopher Sells;
- 2-19 (2) Mark Gallas;
- 2-20 (3) Corbitt Burns;
- 2-21 (4) Daniel Pullin; and
- 2-22 (5) John Neuman.

2-23 (b) Temporary directors serve until the earlier of:

- 2-24 (1) the date permanent directors are elected under
 2-25 Section 7998A.0103; or
- 2-26 (2) the fourth anniversary of the effective date of
 2-27 the Act enacting this chapter.

2-28 (c) If permanent directors have not been elected under
 2-29 Section 7998A.0103 and the terms of the temporary directors have
 2-30 expired, successor temporary directors shall be appointed or
 2-31 reappointed as provided by Subsection (d) to serve terms that
 2-32 expire on the earlier of:

- 2-33 (1) the date permanent directors are elected under
 2-34 Section 7998A.0103; or
- 2-35 (2) the fourth anniversary of the date of the
 2-36 appointment or reappointment.

2-37 (d) If Subsection (c) applies, the owner or owners of a
 2-38 majority of the assessed value of the real property in the district
 2-39 may submit a petition to the commission requesting that the
 2-40 commission appoint as successor temporary directors the five
 2-41 persons named in the petition. The commission shall appoint as
 2-42 successor temporary directors the five persons named in the
 2-43 petition.

2-44 SUBCHAPTER C. POWERS AND DUTIES

2-45 Sec. 7998A.0301. GENERAL POWERS AND DUTIES. The district
 2-46 has the powers and duties necessary to accomplish the purposes for
 2-47 which the district is created.

2-48 Sec. 7998A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-49 DUTIES. The district has the powers and duties provided by the
 2-50 general law of this state, including Chapters 49 and 54, Water Code,
 2-51 applicable to municipal utility districts created under Section 59,
 2-52 Article XVI, Texas Constitution.

2-53 Sec. 7998A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-54 Section 52, Article III, Texas Constitution, the district may
 2-55 design, acquire, construct, finance, issue bonds for, improve,
 2-56 operate, maintain, and convey to this state, a county, or a
 2-57 municipality for operation and maintenance macadamized, graveled,
 2-58 or paved roads, or improvements, including storm drainage, in aid
 2-59 of those roads.

2-60 Sec. 7998A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-61 road project must meet all applicable construction standards,
 2-62 zoning and subdivision requirements, and regulations of each
 2-63 municipality in whose corporate limits or extraterritorial
 2-64 jurisdiction the road project is located.

2-65 (b) If a road project is not located in the corporate limits
 2-66 or extraterritorial jurisdiction of a municipality, the road
 2-67 project must meet all applicable construction standards,
 2-68 subdivision requirements, and regulations of each county in which
 2-69 the road project is located.

3-1 (c) If the state will maintain and operate the road, the
 3-2 Texas Transportation Commission must approve the plans and
 3-3 specifications of the road project.
 3-4 Sec. 7998A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-5 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-6 applicable requirements of any ordinance or resolution that is
 3-7 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-8 consents to the creation of the district or to the inclusion of land
 3-9 in the district.
 3-10 Sec. 7998A.0306. DIVISION OF DISTRICT. (a) The board, on
 3-11 its own motion or on receipt of a petition signed by the owner or
 3-12 owners of a majority of the assessed value of the real property in
 3-13 the district, may adopt an order dividing the district.
 3-14 (b) An order dividing a district may create one or more new
 3-15 districts and may provide for the continuation of the district.
 3-16 (c) An order dividing the district shall:
 3-17 (1) name any new district;
 3-18 (2) include the metes and bounds description of the
 3-19 territory of each of the districts;
 3-20 (3) appoint temporary directors for any new district;
 3-21 and
 3-22 (4) provide for the division of assets and liabilities
 3-23 between the districts.
 3-24 (d) The board may adopt an order dividing the district
 3-25 before or after the date the board holds an election to confirm the
 3-26 district's creation.
 3-27 (e) The district may be divided only if the district:
 3-28 (1) has never issued any bonds; and
 3-29 (2) is not imposing ad valorem taxes.
 3-30 (f) A new district created by the division of the district
 3-31 may not, at the time the new district is created, contain any land
 3-32 outside the area described by Section 2 of the Act enacting this
 3-33 chapter.
 3-34 (g) On or before the 30th day after the date of adoption of
 3-35 an order dividing the district, the district shall file the order
 3-36 with the commission and record the order in the real property
 3-37 records of each county in which the district is located.
 3-38 (h) This chapter applies to any new district created by the
 3-39 division of the district, and a new district has all the powers and
 3-40 duties of the district.
 3-41 (i) A new district created by the division of the district
 3-42 shall hold a confirmation and directors' election.
 3-43 (j) If the creation of the new district is confirmed, the
 3-44 new district shall provide the election date and results to the
 3-45 commission.
 3-46 (k) A new district created by the division of the district
 3-47 must hold an election as required by this chapter to obtain voter
 3-48 approval before the district may impose a maintenance tax or issue
 3-49 bonds payable wholly or partly from ad valorem taxes.
 3-50 (l) The district may continue to rely on confirmation,
 3-51 directors', bond, or tax elections held prior to the division.
 3-52 (m) Municipal consent to the creation of the district and to
 3-53 the inclusion of land in the district acts as municipal consent to
 3-54 the creation of any new district created by the division of the
 3-55 district and to the inclusion of land in the new district.
 3-56 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 3-57 Sec. 7998A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-58 The district may issue, without an election, bonds and other
 3-59 obligations secured by:
 3-60 (1) revenue other than ad valorem taxes; or
 3-61 (2) contract payments described by Section
 3-62 7998A.0403.
 3-63 (b) The district must hold an election in the manner
 3-64 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-65 before the district may impose an ad valorem tax or issue bonds
 3-66 payable from ad valorem taxes.
 3-67 (c) The district may not issue bonds payable from ad valorem
 3-68 taxes to finance a road project unless the issuance is approved by a
 3-69 vote of a two-thirds majority of the district voters voting at an

4-1 election held for that purpose.

4-2 Sec. 7998A.0402. OPERATION AND MAINTENANCE TAX. (a) If
 4-3 authorized at an election held under Section 7998A.0401, the
 4-4 district may impose an operation and maintenance tax on taxable
 4-5 property in the district in accordance with Section 49.107, Water
 4-6 Code.

4-7 (b) The board shall determine the tax rate. The rate may not
 4-8 exceed the rate approved at the election.

4-9 Sec. 7998A.0403. CONTRACT TAXES. (a) In accordance with
 4-10 Section 49.108, Water Code, the district may impose a tax other than
 4-11 an operation and maintenance tax and use the revenue derived from
 4-12 the tax to make payments under a contract after the provisions of
 4-13 the contract have been approved by a majority of the district voters
 4-14 voting at an election held for that purpose.

4-15 (b) A contract approved by the district voters may contain a
 4-16 provision stating that the contract may be modified or amended by
 4-17 the board without further voter approval.

4-18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-19 Sec. 7998A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-20 OBLIGATIONS. The district may issue bonds or other obligations
 4-21 payable wholly or partly from ad valorem taxes, impact fees,
 4-22 revenue, contract payments, grants, or other district money, or any
 4-23 combination of those sources, to pay for any authorized district
 4-24 purpose.

4-25 Sec. 7998A.0502. TAXES FOR BONDS. At the time the district
 4-26 issues bonds payable wholly or partly from ad valorem taxes, the
 4-27 board shall provide for the annual imposition of a continuing
 4-28 direct ad valorem tax, without limit as to rate or amount, while all
 4-29 or part of the bonds are outstanding as required and in the manner
 4-30 provided by Sections 54.601 and 54.602, Water Code.

4-31 Sec. 7998A.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-32 issuance, the total principal amount of bonds or other obligations
 4-33 issued or incurred to finance road projects and payable from ad
 4-34 valorem taxes may not exceed one-fourth of the assessed value of the
 4-35 real property in the district.

4-36 SECTION 2. The Ranger Ridge Municipal Utility District of
 4-37 Palo Pinto County initially includes all the territory contained in
 4-38 the following area:

4-39 WHEREAS Ranger Ridge, Ltd./Estates at Ranger Ridge, LLC is the
 4-40 owner of a tract of land situated in the W. Cochran Survey, Abstract
 4-41 No. 129, M. Baker Survey, Abstract No. 51, C. Massie Survey,
 4-42 Abstract No. 1499, T. & P. RR Co. Survey, Abstract No. 803, T. & P.
 4-43 RR Co. Survey, Abstract No. 825, T. & P. RR Co. Survey, Abstract
 4-44 No. 832, T. & P. RR Co. Survey, Abstract No. 835, M. Hutchins
 4-45 Survey, Abstract No. 1430, M. Hutchins Survey, Abstract No. 1431,
 4-46 J. Hutchins Survey, Abstract No. 1109, J. Hutchins Survey, Abstract
 4-47 No. 1110, T. Dickson Survey, Abstract No. 1576, B. Harris Survey,
 4-48 Abstract No. 1638, and the G. Cowden Survey, Abstract No. 1463
 4-49 according to the deed recorded in Volume 2353, Page 508 of the Deed
 4-50 Records, Palo Pinto County, Texas (DRPPCT) with the subject tract
 4-51 being more particularly described as follows:

4-52 BEGINNING at a 1/2" iron rod found with plastic cap stamped "Price
 4-53 Surveying" in the northeast corner of said Ranger Ridge tract;

4-54 THENCE North 83°16'58" East, 2,287.30 feet to a 3" steel post;

4-55 THENCE North 89°11'08" East, 506.18 feet to a 1/2" iron rod found
 4-56 with plastic cap stamped "Price Surveying", being in the west line
 4-57 of State Highway 16, a variable width right-of-way;

4-58 THENCE South 22°11'43" West, 1,858.07 feet to a 1/2" iron rod found
 4-59 with plastic cap stamped "RPLS 6224";

4-60 THENCE South 23°16'30" West, 1,148.61 feet to a 1/2" iron rod found
 4-61 with plastic cap stamped "RPLS 6224";

4-62 THENCE South 21°10'47" West, 2,340.55 feet to a 1/2" iron rod found
 4-63 with plastic cap stamped "RPLS 6224";

4-64 Around a non-tangent curve concave easterly, said curve has a
 4-65 radius of 5,455.19 feet, a central angle of 14°48'48", an arc length
 4-66 of 1,410.39, a chord length of 1,406.47, to which a radial line
 4-67 bears North 66°49'57" West to a 1/2" iron rod found with plastic cap
 4-68 stamped "RPLS 6224";

4-69 THENCE North 81°05'44" West, 498.57 feet to a 3" steel post;

5-1 THENCE South 86°33'16" West, 638.72 feet to a 3" steel post;
5-2 THENCE North 85°51'29" West, 1,497.49 feet to a 3" steel post;
5-3 THENCE South 84°57'06" West, 2,296.91 feet to a 6" steel post;
5-4 THENCE South 83°56'05" West, 2,681.93 feet to a 3" iron pipe post w/
5-5 brass cap stamped "Texas-Pacific Coal & Oil Co.";
5-6 THENCE North 5°42'14" West, 2,684.13 feet to a 1/2" iron rod found
5-7 with plastic cap stamped "RPLS 6224";
5-8 THENCE South 83°37'28" West, 5,279.76 feet to a 3" iron pipe post w/
5-9 brass cap stamped "Texas-Pacific Coal & Oil Co.";
5-10 THENCE South 5°47'22" East, 455.22 feet to a 3" iron pipe post w/
5-11 brass cap stamped "Texas-Pacific Coal & Oil Co.";
5-12 THENCE South 84°17'07" West, 2,873.41 feet to a 1/2" iron rod found
5-13 with plastic cap stamped "RPLS 6224";
5-14 THENCE North 5°30'31" West, 2,647.31 feet to a 1" iron pipe;
5-15 THENCE North 5°20'11" West, 2,644.23 feet to a 5/8" iron rod with
5-16 broken cap;
5-17 THENCE North 84°27'03" East, 2,868.63 feet to a 5/8" iron rod with
5-18 broken cap;
5-19 THENCE (19) North 5°27'38" West, 480.33 feet to a 3/8" iron rod with
5-20 plastic cap stamped "Carter 5691";
5-21 THENCE North 84°34'58" East, 5,255.53 feet to a 3/8" iron rod with
5-22 plastic cap stamped "Carter 5691";
5-23 THENCE North 84°37'28" East, 2,316.54 feet to a 1/2" iron rod with
5-24 plastic cap stamped "RPLS 6224";
5-25 THENCE North 84°37'28" East, 3,068.08 feet to a 1/2" iron rod with
5-26 plastic cap stamped "RPLS 6224";
5-27 THENCE North 84°37'28" East, 2,453.80 feet to a 1/2" iron rod with
5-28 plastic cap stamped "Price Surveying";
5-29 THENCE South 9°22'42" East, 623.06 feet to a 3" steel post;
5-30 THENCE South 46°49'15" East, 30.40 feet to a 3" steel post;
5-31 THENCE South 32°19'51" East, 39.42 feet to a 3" steel post;
5-32 THENCE South 25°25'41" East, 131.97 feet to a 3" steel post;
5-33 THENCE South 0°01'38" East, 650.88 feet to a 1/2" iron rod with
5-34 plastic cap stamped "RPLS 6224";
5-35 THENCE South 2°36'29" West, 777.23 feet to 3" steel post;
5-36 THENCE South 2°47'04" West, 8.71 feet to the POINT OF BEGINNING,
5-37 being a 1/2" iron rod found with plastic cap stamped "Price
5-38 Surveying" with the subject tract containing 112,422,793.59 square
5-39 feet or 2,580.87 acres of land more or less.

5-40 SECTION 3. (a) The legal notice of the intention to
5-41 introduce this Act, setting forth the general substance of this
5-42 Act, has been published as provided by law, and the notice and a
5-43 copy of this Act have been furnished to all persons, agencies,
5-44 officials, or entities to which they are required to be furnished
5-45 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-46 Government Code.

5-47 (b) The governor, one of the required recipients, has
5-48 submitted the notice and Act to the Texas Commission on
5-49 Environmental Quality.

5-50 (c) The Texas Commission on Environmental Quality has filed
5-51 its recommendations relating to this Act with the governor, the
5-52 lieutenant governor, and the speaker of the house of
5-53 representatives within the required time.

5-54 (d) All requirements of the constitution and laws of this
5-55 state and the rules and procedures of the legislature with respect
5-56 to the notice, introduction, and passage of this Act are fulfilled
5-57 and accomplished.

5-58 SECTION 4. (a) If this Act does not receive a two-thirds
5-59 vote of all the members elected to each house, Subchapter C, Chapter
5-60 7998A, Special District Local Laws Code, as added by Section 1 of
5-61 this Act, is amended by adding Section 7998A.0307 to read as
5-62 follows:

5-63 Sec. 7998A.0307. NO EMINENT DOMAIN POWER. The district may
5-64 not exercise the power of eminent domain.

5-65 (b) This section is not intended to be an expression of a
5-66 legislative interpretation of the requirements of Section 17(c),
5-67 Article I, Texas Constitution.

5-68 SECTION 5. This Act takes effect immediately if it receives
5-69 a vote of two-thirds of all the members elected to each house, as

6-1 provided by Section 39, Article III, Texas Constitution. If this
6-2 Act does not receive the vote necessary for immediate effect, this
6-3 Act takes effect September 1, 2023.

6-4

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