

By: Huffman

S.B. No. 2588

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 264; 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 7974A to read as follows:

CHAPTER 7974A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 264

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7974A.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 Fort Bend County Municipal Utility District No. 264.

Sec. 7974A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7974A.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. 7974A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7974A.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 as required by
7 applicable law.

8 Sec. 7974A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

17 Sec. 7974A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 7974A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7974A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7974A.0202. TEMPORARY DIRECTORS. (a) On or after the
9 effective date of the Act enacting this chapter, the owner or owners
10 of a majority of the assessed value of the real property in the
11 district may submit a petition to the commission requesting that
12 the commission appoint as temporary directors the five persons
13 named in the petition. The commission shall appoint as temporary
14 directors the five persons named in the petition.

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

16 (1) the date permanent directors are elected under
17 Section 7974A.0103; or

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

20 (c) If permanent directors have not been elected under
21 Section 7974A.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 7974A.0103; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7974A.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 7974A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 7974A.0303. AUTHORITY FOR ROAD PROJECTS. Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve,
21 operate, maintain, and convey to this state, a county, or a
22 municipality for operation and maintenance macadamized, graveled,
23 or paved roads, or improvements, including storm drainage, in aid
24 of those roads.

25 Sec. 7974A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

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

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

11 Sec. 7974A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
12 ORDINANCE OR RESOLUTION. The district shall comply with all
13 applicable requirements of any ordinance or resolution that is
14 adopted under Section 54.016 or 54.0165, Water Code, and that
15 consents to the creation of the district or to the inclusion of land
16 in the district.

17 Sec. 7974A.0306. DIVISION OF DISTRICT. (a) The board, on
18 its own motion or on receipt of a petition signed by the owner or
19 owners of a majority of the assessed value of the real property in
20 the district, may adopt an order dividing the district.

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

23 (c) An order dividing the district shall:

24 (1) name any new district;

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

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

1 and

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

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

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

8 (1) has never issued any bonds; and

9 (2) is not imposing ad valorem taxes.

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

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

18 (h) This chapter applies to any new district created by the
19 division of the district, and a new district has all the powers and
20 duties of the district.

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

23 (j) If the creation of the new district is confirmed, the
24 new district shall provide the election date and results to the
25 commission.

26 (k) A new district created by the division of the district
27 must hold an election as required by this chapter to obtain voter

1 approval before the district may impose a maintenance tax or issue
2 bonds payable wholly or partly from ad valorem taxes.

3 (l) The district may continue to rely on confirmation,
4 directors', bond, or tax elections held prior to the division.

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

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 7974A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
11 The district may issue, without an election, bonds and other
12 obligations secured by:

- 13 (1) revenue other than ad valorem taxes; or
14 (2) contract payments described by Section
15 7974A.0403.

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

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

24 Sec. 7974A.0402. OPERATION AND MAINTENANCE TAX. (a) If
25 authorized at an election held under Section 7974A.0401, the
26 district may impose an operation and maintenance tax on taxable
27 property in the district in accordance with Section 49.107, Water

1 Code.

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

4 Sec. 7974A.0403. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7974A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 7974A.0502. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7974A.0503. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. Fort Bend County Municipal Utility District
5 No. 264 initially includes all the territory contained in the
6 following area:

7 A Field Note Description of 2413.886 Acres of Land, being:

8 1. the call J&J Farms call 314 Acre Tract (Volume 27, Page
9 206; Deed Records and Volume M, Page 576; Deed Records); being in
10 the Elisha Moore League, Abstract No. 439;

11 2. the call J.& J. Farms 25.24 Acre Tract (See Volume 100,
12 Page 368; Deed Records) being in the Antonio Balle Survey, Abstract
13 No. 107;

14 3. the call J.& J. Farms 200 Acre Tract. 151.5 Acres & 151.5
15 Acre Tracts as described in Volume 88, Page 319; Deed Records and
16 Volume 102, Page 339; Deed Records) being in the said Antonio Balle
17 Survey, Abstract No. 107;

18 4. the call J.& J. Farms call 985.46 Acre Tract described in
19 Agreement of Partition and Partition Deed-Tract D, call 1721.397
20 Acres (Volume 636, Page 907; Deed Records and FBC 2001041228) in the
21 Elizabeth Powell League, Abstract No. 71; and

22 5. the call J.&J. Farms call 332 or 302 Acres and call 400
23 Acres (See Volume 88, Page 319; Deed Records and Volume 102, Page
24 339; Deed Records), being in the E.B. George Survey, Abstract No.
25 199; all being in Fort Bend County, Texas.

26 For Connection beginning at 2-1/2 inch iron pipe found making
27 the East corner of said Elizabeth Powell League, Abstract No. 71 and

1 a re-entrant corner of said Antonio Balle Survey, Abstract No. 107;
2 THENCE, South $5.8^{\circ}36'22''$ West (Base Bearing), along the Southeast
3 line of said Elizabeth Powell League, Abstract No. 71, at 4714.27
4 feet pass a corner post in the Northeast right-of-way line of Darst
5 Road, in all 4775.27 feet to a capped 5/8 inch iron rod stamped
6 "1535-4035" set at corner post in the Southwest right-ofway line of
7 said Darst Road marking the North corner of and place of beginning
8 for this tract;

9 THENCE, South $39^{\circ}26'31''$ East, 2283.33 feet along said
10 Southwest right-of-way line of said Darst Road to a capped 5/8 inch
11 iron rod stamped "1535-4035" set marking the Northeast corner for
12 this tract;

13 THENCE, South $31^{\circ}48'43''$ West, 3425.97 feet to a capped 5/8
14 inch iron rod stamped "1535-4035" set for angle point in this line;

15 THENCE, South $17^{\circ}40'53''$ West, 5693.89 feet to a point marking
16 the Southeast corner for this tract, a capped 5/8 inch iron rod
17 stamped "1535-4035" was set North $20^{\circ}31'19''$ East, 3.02 feet in North
18 water's edge;

19 THENCE, North $72^{\circ}19'07''$ West, 5776.57 feet to a capped 5/8
20 inch iron rod stamped "1535-4035" set marking a re-entrant corner
21 for this tract;

22 THENCE, South $17^{\circ}40'53''$ West, 2148.44 feet to a capped 5/8
23 inch iron rod stamped "1535-4035" set on the Easterly High Bank of
24 the San Bernard River and marking the most Southerly South corner of
25 this tract;

26 THENCE, Northwesterly along the East Bank of said San Bernard
27 River with the following courses and distances:

1. North 54°15'46" West, 397.94 feet to an angle point;
2. North 33°05'22" East, 100.13 feet to an angle point;
3. North 54°31'32" East, 225.58 feet to an angle point;
4. North 73°06'12" East, 82.28 feet to an angle point;
5. North 02°52'38" West, 91.48 feet to an angle point;
6. North 60°28'48" West, 204.42 feet to an angle point;
7. North 30°40'52" East, 129.33 feet to an angle point;
8. North 25°01'12" East, 185.54 feet to an angle point;
9. North 00°22'18" West, 65.53 feet to an angle point;
10. North 58°53'38" West, 111.53 feet to an angle point;
11. North 14°52'28" West, 140.16 feet to an angle point;
12. North 13°05'12" East, 191.47 feet to an angle point;
13. North 45°06'58" West, 88.77 feet to an angle point;
14. North 09°03'28" West, 167.48 feet to an angle point;
15. North 16°11'38" West, 182.22 feet to an angle point;
16. North 42°07'38" West, 221.65 feet to an angle point;
17. North 56°02'58" West, 198.95 feet to an angle point;
18. North 36°41'28" West, 211.06 feet to an angle point;
19. North 24°26'38" West, 133.17 feet to an angle point;
20. North 23°54'12" East, 106.41 feet to an angle point;
21. North 41°53'18" West, 174.82 feet to an angle point;
22. North 02°53'18" West, 197.19 feet to an angle point;
23. North 39°00'58" West, 148.80 feet to an angle point;
24. North 67°47'38" West, 137.57 feet to an angle point;
25. North 17°48'52" East, 193.57 feet to an angle point;
26. North 30°26'08" West, 128.70 feet to an angle point;
27. North 76°52'08" West, 228.77 feet to an angle point;

- 1 28. North 18°05'52" East, 98.86 feet to an angle point;
- 2 29. North 78°00'52" East, 268.86 feet to an angle point;
- 3 30. North 46°53'12" East, 113.48 feet to an angle point;
- 4 31. North 04°06'52" East, 103.84 feet to an angle point;
- 5 32. North 54°03'18" West, 184.68 feet to an angle point;
- 6 33. North 08°03'52" East, 135.68 feet to an angle point;
- 7 34. North 24°31'22" East, 233.79 feet to an angle point;
- 8 35. North 19°32'28" West, 202.10 feet to an angle point;
- 9 36. North 70°38'52" East, 315.83 feet to an angle point;
- 10 37. North 15°47'02" East, 196.36 feet to an angle point;
- 11 38. North 15°56'42" East, 233.88 feet to an angle point;
- 12 39. North 00°04'42" East, 157.36 feet to an angle point;
- 13 40. North 50°27'38" West, 174.36 feet to an angle point;
- 14 41. North 60°52'08" West, 212.26 feet to an angle point;
- 15 42. North 61°50'48" West, 249.67 feet to an angle point;
- 16 43. North 06°35'18" West, 243.23 feet to an angle point;
- 17 44. North 15°38'28" West, 217.52 feet to an angle point;
- 18 45. North 05°03'38" West, 126.69 feet to an angle point;
- 19 46. North 45°57'28" West, 103.01 feet to an angle point;
- 20 47. North 21°58'18" West, 122.38 feet to an angle point;
- 21 48. North 29°58'18" West, 92.23 feet to an angle point;
- 22 49. North 73°53'28" West, 186.74 feet to an angle point;
- 23 50. South 68°56'22" West, 345.61 feet to an angle point;
- 24 51. South 77°44'15" West, 351.38 feet to an angle point;
- 25 52. South 80°58'19" West, 142.37 feet to point marking the
- 26 Southerly Southwest corner of this tract;
- 27 THENCE, North 19°09'12" East, at 20.0 feet pass a capped 5/8

1 inch iron rod stamped "1535-4035" set, then along a fence line, in
2 all 2120.31 feet to a 1-1/4 inch iron pipe found for corner marking
3 a re-entrant corner of this tract;

4 THENCE, North 69°20'52" West, 372.87 feet to a 1-1/4 inch iron
5 pipe found for another Southwest corner of this tract;

6 THENCE, North 03°53'32" East, along a fence line, 3945.81
7 feet to another 1-1/4 inch iron pipe found for corner;

8 THENCE, North 57°20'37" East, along a fence line, 1014.32
9 feet to a 1/2 inch iron pipe found for angle point;

10 THENCE, North 13°21'07" East, along a fence line, 1247.36
11 feet to a capped 5/8 inch iron rod stamped "1535-4035" set for
12 corner;

13 THENCE, North 32°44'20" West, 140.72 feet to a 1/2 inch iron
14 pipe found for corner;

15 THENCE, North 57°51'15" East, 1573.14 feet to a capped 5/8
16 inch iron rod stamped "1535-4035" set marking the Southeast corner
17 of the J.D. Robinson call 15.02 Acre Tract (FBC 2001041228);

18 THENCE, North 32°41'23" West, 228.32 feet to a corner post
19 marking the Northeast corner of said J.D. Robinson 15.02 Acre
20 Tract;

21 THENCE, South 58°00'37" West, 1573.41 feet along the
22 Northwest line of said call 15.02 Tract to a capped 5/8 inch iron
23 rod stamped "1535-4035" set for corner;

24 THENCE, North 32°44'11" West, 459.13 feet to a capped 5/8 inch
25 iron rod stamped "1535-4035" set marking the most Northerly
26 Northwest corner of this tract;

27 THENCE, North 57°57'49" East, along a fence line marking the

1 Northerly line of a 30 foot wide Road Easement recorded in Partition
2 Deed-Volume 636, Page 907; Deed Records of Fort Bend County, Texas,
3 3813.7 feet to a capped 5/8 inch iron rod stamped "1535-4035" set
4 for the most Northerly North corner of this tract in the
5 Southwesterly right-of-way line of said Darst Road as recognized on
6 the ground;

7 THENCE, South 32°13'30" East, along said Southwesterly
8 right-of-way line of said Darst Road, 987.27 feet to a capped 5/8
9 inch iron rod stamped "1535-4035" set marking the North corner of
10 the Dillard Estate call 1.0 Acre Tract (Volume 587, Page 924; Deed
11 Records Fort Bend County, Texas);

12 THENCE, South 41°11' West, 208.7 feet to a capped 5/8 inch
13 iron rod stamped "1535-4035" set marking the West corner of said
14 Dillard 1.0 Acre Tract;

15 THENCE, South 48°37'46" East, 208.7 feet to a capped 5/8 inch
16 iron rod stamped "1535-4035" set marking the South corner of said
17 Dillard 1.0 Acre Tract;

18 THENCE, North 41°11' East, 208.7 feet to a capped 5/8 inch
19 iron rod stamped "1535-4035" set marking the East corner of said
20 Dillard 1.0 Acre Tract;

21 THENCE, Southeasterly along the Southerly right-of-way line
22 of said Darst Road with the following courses and distances:

23 South 57°06'39" East, 26.33 feet to a 60d nail found for
24 corner;

25 South 60°37'10" East, 143.11 feet to a capped 5/8 inch iron
26 rod stamped "1535-4035" set for angle point;

27 South 82°12'12" East, 1093.68 feet to a capped 5/8 inch iron

1 rod stamped "1535-4035" set for angle point;

2 South 69°16' East, 112.14 feet to a capped 5/8 inch iron rod
3 stamped "1535-4035" set a corner post marking Northerly Northeast
4 corner of this tract;

5 South 39°57'59" East, 421.99 feet to a capped 5/8 inch iron
6 rod stamped "1535-4035" set at a corner post marking the Northerly
7 Northeast corner of this tract;

8 THENCE, South 39°45'03" West, leaving said Darst Road, along a
9 fence line 800.42 feet to a capped 5/8 inch iron rod stamped
10 "1535-4035" set for angle point;

11 THENCE, South 30°53'39" West, along a fence line, 1581.12 feet
12 to a capped 5/8 inch iron rod stamped "1535-4035" set for angle
13 point;

14 THENCE, South 61°39'47" West, along a fence line, 440.23 feet
15 to a 8 inch corner post found for angle point;

16 THENCE, South 49°28'44" West, along a fence line, 591.17 feet
17 to a capped 5/8 inch iron rod stamped "1535-4035" set on the North
18 side of a 12 inch corner post for a re-entrant corner of this tract;

19 THENCE, South 32°40' East, along a fence line, 4691.8 feet to
20 a capped 5/8 inch iron rod stamped "1535-4035" set for angle point;

21 THENCE, Southeasterly following a fence line with the
22 following courses and distances:

23 South 35°58'15" East, 40.91 feet to a Railroad Tie for angle
24 point;

25 South 47°19'54" East, 24.51 feet to a Railroad Tie for angle
26 point;

27 South 65°08'02" East, 566.63 feet to a corner post found for

1 another re-entrant corner of this tract;

2 THENCE, North 10°13'40" East, along a fence line 634.47 feet
3 to a corner post for angle point;

4 THENCE, North 58°36'22" East, along said Northwest line of
5 the Antonio Balle Survey, Abstract No. 107 and Southeast line of the
6 Elizabeth Powell League, Abstract No. 71, 3186.2 feet to the place
7 of beginning and containing 2413.886 Acres of Land.

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

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

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

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

26 SECTION 4. (a) If this Act does not receive a two-thirds
27 vote of all the members elected to each house, Subchapter C, Chapter

1 7974A, Special District Local Laws Code, as added by Section 1 of
2 this Act, is amended by adding Section 7974A.0307 to read as
3 follows:

4 Sec. 7974A.0307. NO EMINENT DOMAIN POWER. The district may
5 not exercise the power of eminent domain.

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

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