

1-1 By: Zaffirini S.B. No. 2616
 1-2 (In the Senate - Filed April 21, 2023; April 24, 2023, read
 1-3 first time and referred to Committee on Local Government;
 1-4 May 2, 2023, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; May 2, 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 Travis County Municipal Utility
 1-20 District No. 27; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 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 7950A to read as follows:

1-26 CHAPTER 7950A. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 27
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7950A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.
 1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.
 1-33 (4) "District" means the Travis County Municipal
 1-34 Utility District No. 27.

1-35 Sec. 7950A.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 7950A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7950A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7950A.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district as required by
 1-48 general law.

1-49 Sec. 7950A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:
 1-52 (1) a municipal utility district as provided by
 1-53 general law and Section 59, Article XVI, Texas Constitution; and
 1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 7950A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
 2-2 field notes or in copying the field notes in the legislative process
 2-3 does not affect the district's:

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

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 7950A.0201. GOVERNING BODY; TERMS. (a) The district
 2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7950A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 7950A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-16 effective date of the Act enacting this chapter, the owner or owners
 2-17 of a majority of the assessed value of the real property in the
 2-18 district may submit a petition to the commission requesting that
 2-19 the commission appoint as temporary directors the five persons
 2-20 named in the petition. The commission shall appoint as temporary
 2-21 directors the five persons named in the petition.

2-22 (b) Temporary directors serve until the earlier of:

2-23 (1) the date permanent directors are elected under
 2-24 Section 7950A.0103; or

2-25 (2) the fourth anniversary of the effective date of
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
 2-28 Section 7950A.0103 and the terms of the temporary directors have
 2-29 expired, successor temporary directors shall be appointed or
 2-30 reappointed as provided by Subsection (d) to serve terms that
 2-31 expire on the earlier of:

2-32 (1) the date permanent directors are elected under
 2-33 Section 7950A.0103; or

2-34 (2) the fourth anniversary of the date of the
 2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a
 2-37 majority of the assessed value of the real property in the district
 2-38 may submit a petition to the commission requesting that the
 2-39 commission appoint as successor temporary directors the five
 2-40 persons named in the petition. The commission shall appoint as
 2-41 successor temporary directors the five persons named in the
 2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 7950A.0301. GENERAL POWERS AND DUTIES. The district
 2-45 has the powers and duties necessary to accomplish the purposes for
 2-46 which the district is created.

2-47 Sec. 7950A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-48 DUTIES. The district has the powers and duties provided by the
 2-49 general law of this state, including Chapters 49 and 54, Water Code,
 2-50 applicable to municipal utility districts created under Section 59,
 2-51 Article XVI, Texas Constitution.

2-52 Sec. 7950A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-53 Section 52, Article III, Texas Constitution, the district may
 2-54 design, acquire, construct, finance, issue bonds for, improve,
 2-55 operate, maintain, and convey to this state, a county, or a
 2-56 municipality for operation and maintenance macadamized, graveled,
 2-57 or paved roads, or improvements, including storm drainage, in aid
 2-58 of those roads.

2-59 Sec. 7950A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-60 road project must meet all applicable construction standards,
 2-61 zoning and subdivision requirements, and regulations of each
 2-62 municipality in whose corporate limits or extraterritorial
 2-63 jurisdiction the road project is located.

2-64 (b) If a road project is not located in the corporate limits
 2-65 or extraterritorial jurisdiction of a municipality, the road
 2-66 project must meet all applicable construction standards,
 2-67 subdivision requirements, and regulations of each county in which
 2-68 the road project is located.

2-69 (c) If the state will maintain and operate the road, the

3-1 Texas Transportation Commission must approve the plans and
3-2 specifications of the road project.

3-3 Sec. 7950A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-4 ORDINANCE OR RESOLUTION. The district shall comply with all
3-5 applicable requirements of any ordinance or resolution that is
3-6 adopted under Section 54.016 or 54.0165, Water Code, and that
3-7 consents to the creation of the district or to the inclusion of land
3-8 in the district.

3-9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-10 Sec. 7950A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-11 The district may issue, without an election, bonds and other
3-12 obligations secured by:

3-13 (1) revenue other than ad valorem taxes; or
3-14 (2) contract payments described by Section
3-15 7950A.0403.

3-16 (b) The district must hold an election in the manner
3-17 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-18 before the district may impose an ad valorem tax or issue bonds
3-19 payable from ad valorem taxes.

3-20 (c) The district may not issue bonds payable from ad valorem
3-21 taxes to finance a road project unless the issuance is approved by a
3-22 vote of a two-thirds majority of the district voters voting at an
3-23 election held for that purpose.

3-24 Sec. 7950A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-25 authorized at an election held under Section 7950A.0401, the
3-26 district may impose an operation and maintenance tax on taxable
3-27 property in the district in accordance with Section 49.107, Water
3-28 Code.

3-29 (b) The board shall determine the tax rate. The rate may not
3-30 exceed the rate approved at the election.

3-31 Sec. 7950A.0403. CONTRACT TAXES. (a) In accordance with
3-32 Section 49.108, Water Code, the district may impose a tax other than
3-33 an operation and maintenance tax and use the revenue derived from
3-34 the tax to make payments under a contract after the provisions of
3-35 the contract have been approved by a majority of the district voters
3-36 voting at an election held for that purpose.

3-37 (b) A contract approved by the district voters may contain a
3-38 provision stating that the contract may be modified or amended by
3-39 the board without further voter approval.

3-40 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-41 Sec. 7950A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-42 OBLIGATIONS. The district may issue bonds or other obligations
3-43 payable wholly or partly from ad valorem taxes, impact fees,
3-44 revenue, contract payments, grants, or other district money, or any
3-45 combination of those sources, to pay for any authorized district
3-46 purpose.

3-47 Sec. 7950A.0502. TAXES FOR BONDS. At the time the district
3-48 issues bonds payable wholly or partly from ad valorem taxes, the
3-49 board shall provide for the annual imposition of a continuing
3-50 direct ad valorem tax, without limit as to rate or amount, while all
3-51 or part of the bonds are outstanding as required and in the manner
3-52 provided by Sections 54.601 and 54.602, Water Code.

3-53 Sec. 7950A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-54 issuance, the total principal amount of bonds or other obligations
3-55 issued or incurred to finance road projects and payable from ad
3-56 valorem taxes may not exceed one-fourth of the assessed value of the
3-57 real property in the district.

3-58 SECTION 2. The Travis County Municipal Utility District
3-59 No. 27 initially includes all the territory contained in the
3-60 following area:

3-61 TRACT 1:

3-62 Being 21.95 acres of land, more or less, out of the Augustus
3-63 Kincheloe Survey, Abstract No. 457, Travis County, Texas, being a
3-64 portion of that tract conveyed to Stermaster Properties, LLC, by
3-65 deed recorded in Document No. 2021100283, Official Public Records,
3-66 Travis County, Texas, as surveyed on the ground by Texas Land
3-67 Surveying, Inc. on June 15th, 2021, and further described by metes
3-68 and bounds as follows:

3-69 BEGINNING at a 1/2 inch iron rod found in concrete in the

4-1 south line of FM 1327, marking the northeast corner of a tract
4-2 conveyed to Irma May A. Fernandez De Leon, by deed recorded in
4-3 Document No. 2018086771, of said Official Public Records, for the
4-4 northwest corner of said Stermaster tract and this tract;

4-5 THENCE: N 73°42'42" E, 799.30 feet with the south line of said
4-6 FM 1327 and the north line of said Stermaster tract to a 1/2 inch
4-7 iron rod with pink cap stamped "TLS" set, for the northeast corner
4-8 of this tract, from which a 1/2 inch iron rod found in concrete,
4-9 marking the northwest corner of a tract conveyed to Clifford Gus
4-10 Graef, by deed recorded in Volume 7303, Page 323, Deed Records,
4-11 Travis County, Texas, also marking the northeast corner of said
4-12 Stermaster tract, bears N 73°42'42" E, 680.61 feet;

4-13 THENCE: S 46°59'48" E, 1204.37 feet into and across said
4-14 Stermaster tract to a 1/2 inch iron rod with pink cap stamped "TLS"
4-15 set in the north line of a tract conveyed to Michelle Dimanoff, by
4-16 deed recorded in Document No. 2018193755, of said Official Public
4-17 Records and the south line of said Stermaster tract, for the
4-18 southeast corner of this tract, from which a 1/2 inch iron rod found
4-19 in the west line of said Graef tract, marking the northeast corner
4-20 of said Dimanoff tract, also marking the southeast corner of said
4-21 Stermaster tract, bears N 43°00'13" E, 588.93 feet;

4-22 THENCE: S 43°00'13" W, 672.86 feet with the north line of said
4-23 Dimanoff tract and the south line of said Stermaster tract to a 1/2
4-24 inch iron rod with pink cap stamped "TLS" found in the north-south
4-25 running north line of Tom Sassman Road, marking the northwest
4-26 corner of said Dimanoff tract, for the southwest corner of said
4-27 Stermaster tract and this tract;

4-28 THENCE: N 47°30'25" W, with the north-south running line of
4-29 said Tom Sassman Road and the west line of said Stermaster tract at
4-30 5.40 feet passing a 1/2 inch iron rod with orange cap stamped "Hayes
4-31 RPLS 5703" found, marking the southeast corner of Maha Creek
4-32 Estates, said plat recorded in Volume 86, Page 45B, Plat Records,
4-33 Travis County, Texas, continuing with the east line of said Maha
4-34 Creek Estates and the west line of said Stermaster tract at 721.47
4-35 feet passing a 1/2 inch iron rod with "Hayes RPLS 5703" found,
4-36 continuing in part with the east line of said Maha Creek Estates and
4-37 with the east line of said Leon tract, and the west line of said
4-38 Stermaster tract in all 1612.61 feet to the Point of Beginning.

4-39 TRACT 2:
4-40 BEING 20.79 ACRES OF LAND OUT OF THE AUGUSTUS KINCHELOE
4-41 SURVEY NUMBER 2, ABSTRACT NUMBER 457, TRAVIS COUNTY, TEXAS, SAME
4-42 BEING ALL OF THAT CERTAIN J.M.T.C.V., LTD 21.9716 ACRE TRACT
4-43 RECORDED IN DOCUMENT NUMBER 2005046836, OFFICIAL PUBLIC RECORDS,
4-44 TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 0.608 ACRE TRACT
4-45 AND THAT CERTAIN 0.575 ACRE TRACT, BOTH RECORDED IN DOCUMENT
4-46 NUMBERS, 2014186864, 2015054419 AND 2015059567, ALL OF THE OFFICIAL
4-47 PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 20.79 ACRES OF LAND TO BE
4-48 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4-49 BEGINNING at an iron rod in the westerly line of that certain
4-50 Clifford Graef 13.6310 acre tract recorded in Volume 5029, Page
4-51 107, Deed Records, said county, at the southeast corner of that
4-52 certain Arlon Wayne Graef 35.87 acre tract recorded in Document
4-53 Number 2016180663, Official Public Records, said county, same being
4-54 the northwest corner of said 21.9716 acre tract, for the northwest
4-55 corner hereof;

4-56 THENCE South 47 degrees 07 minutes 44 seconds East, along the
4-57 westerly line of said 13.6310 acre tract and the northerly line of
4-58 said 21.9716 acre tract, 549.33 feet to an iron rod found in said
4-59 line, at the northwest corner of said 0.608 acre tract, for an angle
4-60 corner in the northerly line hereof;

4-61 THENCE through said 21.9716 acre tract, along the westerly,
4-62 southerly and easterly line of said 0.608 acre tract, the following
4-63 3 calls,

4-64 1. South 66 degrees 24 minutes 26 seconds West, 209.37 feet
4-65 to an iron rod found,

4-66 2. South 26 degrees 19 minutes 46 seconds East, 160.66 feet
4-67 to an iron rod found,

4-68 3. North 48 degrees 22 minutes 41 seconds East, 196.16 feet
4-69 to an iron rod found in the westerly right-of-way line of S. U.S.

5-1 Highway 183, at the northeast corner of said 0.608 acre tract, same
5-2 being in the northerly line of said 21.9716 acre tract, for an angle
5-3 corner in the northerly line hereof;

5-4 THENCE South 04 degrees 15 minutes 32 seconds East, along
5-5 said Highway 183 and the northerly line of said 21.9716 acre tract,
5-6 111.11 feet to an iron rod found at the intersection of said Highway
5-7 183 and the westerly right-of-way line of Tom Sassman Road, same
5-8 being the northeast corner of said 21.9716 acre tract, for the
5-9 northeast corner hereof;

5-10 THENCE South 18 degrees 20 minutes 06 seconds West, along
5-11 said Tom Sassman Road and the easterly line of said 21.9716 acre
5-12 tract, 104.45 feet to an iron rod found in said line, at the
5-13 northwest corner of said 0.575 acre tract, for an angle corner in
5-14 the easterly line hereof;

5-15 THENCE through said 21.9716 acre tract, along the westerly
5-16 and southerly line of said 0.575 acre tract, the following 6 calls,
5-17 1. South 41 degrees 52 minutes 26 seconds West, 245.18 feet
5-18 to an iron rod found,
5-19 2. North 48 degrees 16 minutes 41 seconds West, 67.75 feet
5-20 to an iron rod found,
5-21 3. South 70 degrees 17 minutes 52 seconds West, 150.75 feet
5-22 to an iron rod found,
5-23 4. South 14 degrees 29 minutes 15 seconds East, 100.37 feet
5-24 to an iron rod found,
5-25 5. North 70 degrees 13 minutes 40 seconds East, 85.37 feet
5-26 to an iron rod found,
5-27 6. South 47 degrees 46 minutes 18 seconds East, 39.04 feet
5-28 to an iron rod found in said right-of-way line, at the southeast
5-29 corner of said 0.575 acre tract, same being in the easterly line of
5-30 said 21.9716 acre tract, for an angle corner in the easterly line
5-31 hereof;

5-32 Thence continuing along said right-of-way line and the
5-33 easterly and southerly line of said 21.9716 acre tract, the
5-34 following 4 calls,
5-35 1. South 42 degrees 34 minutes 47 seconds West, 598.66 feet
5-36 to an iron rod found,
5-37 2. South 60 degrees 42 minutes 46 seconds West, 26.42 feet
5-38 to an iron rod set,
5-39 3. South 89 degrees 54 minutes 48 seconds West, 18.83 feet
5-40 to an iron rod found at the southeast corner of said 21.9716 acre
5-41 tract, for the southeast corner hereof,
5-42 4. North 50 degrees 17 minutes 01 seconds West, 774.74 feet
5-43 to a fence corner post found at the northeast corner of Maha Creek
5-44 Estates, a subdivision recorded in Volume 86, Page 45C, Plat
5-45 Records, said county, at the southeast corner of said 35.87 acre
5-46 tract, same being the southwest corner of said 21.9716 acre tract,
5-47 for the southwest corner hereof;

5-48 THENCE North 43 degrees 00 minutes 22 seconds East, along the
5-49 easterly line of said 35.87 acre tract and the westerly line of said
5-50 21.9716 acre tract, 1,261.79 feet to the POINT OF BEGINNING.

5-51 TRACT 3:
5-52 Being 13.88 acres of land, more or less, out of the Augustus
5-53 Kincheloe Survey, Abstract No. 457, Travis County, Texas, being a
5-54 portion of that tract conveyed to Stermaster Properties, LLC, by
5-55 deed recorded in Document No. 2021100283, Official Public Records,
5-56 Travis County, Texas, as surveyed on the ground by Texas Land
5-57 Surveying, Inc. on June 15th, 2021, and further described by metes
5-58 and bounds as follows:
5-59 BEGINNING at a 1/2 inch iron rod found in concrete in the
5-60 south line of FM 1327, marking the northwest corner of a tract
5-61 conveyed to Clifford Gus Graef, by deed recorded in Volume 7303,
5-62 Page 323, of said Deed Records, for the northeast corner of said
5-63 Stermaster tract and this tract, from which a concrete monument
5-64 found, marking the northeast corner of said Graef tract, bears N
5-65 73°43'54" E, 806.93 feet;
5-66 THENCE: S 47°14'51" E, 856.82 feet with the west line of said
5-67 Graef tract and the east line of said Stermaster tract to a 1/2 inch
5-68 iron rod found, marking the northeast corner of a tract conveyed to
5-69 Michelle Dimanoff, by deed recorded in Document No. 2018193755, of

6-1 said Official Public Records, for the southeast corner of said
6-2 Stermaster tract and this tract, from which a 1/2 inch iron rod with
6-3 aluminum cap stamped "TxDOT" found, marking the southwest corner of
6-4 said Graef tract, also marking an angle point of said Dimanoff
6-5 tract, bears S 47°08'02" E, 549.50 feet;

6-6 THENCE: S 43°00'13" W, 588.93 feet with the north line of said
6-7 Dimanoff tract and the south line of said Stermaster tract to a 1/2
6-8 inch iron rod with pink cap stamped "TLS" set, for the southwest
6-9 corner of this tract, from which a 1/2 inch iron rod with pink cap
6-10 stamped "TLS" found in the north-south running north line of Tom
6-11 Sassman Road, marking the northwest corner of said Dimanoff tract,
6-12 also marking the southwest corner of said Stermaster tract, bears S
6-13 43°00'13" W, 672.86 feet;

6-14 THENCE: N 46°59'48" W, 1204.37 feet into and across said
6-15 Stermaster tract to a 1/2 inch iron rod with pink cap stamped "TLS"
6-16 set in the south line of said FM 1327, for the northwest corner of
6-17 this tract, from which a 1/2 inch iron rod found in concrete,
6-18 marking the northeast corner of a tract conveyed to Irma May A.
6-19 Fernandez De Leon, by deed recorded in Document No. 2018086771, of
6-20 said Official Public Records, also marking the northwest corner of
6-21 said Stermaster tract, bears N 73°42'42" E, 799.30 feet;

6-22 THENCE: N 73°42'42" E, 680.61 feet with the south line of said
6-23 FM 1327 and the north line of said Schaarschmidt tract to the Point
6-24 of Beginning.

6-25 SECTION 3. (a) The legal notice of the intention to
6-26 introduce this Act, setting forth the general substance of this
6-27 Act, has been published as provided by law, and the notice and a
6-28 copy of this Act have been furnished to all persons, agencies,
6-29 officials, or entities to which they are required to be furnished
6-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-31 Government Code.

6-32 (b) The governor, one of the required recipients, has
6-33 submitted the notice and Act to the Texas Commission on
6-34 Environmental Quality.

6-35 (c) The Texas Commission on Environmental Quality has filed
6-36 its recommendations relating to this Act with the governor, the
6-37 lieutenant governor, and the speaker of the house of
6-38 representatives within the required time.

6-39 (d) All requirements of the constitution and laws of this
6-40 state and the rules and procedures of the legislature with respect
6-41 to the notice, introduction, and passage of this Act are fulfilled
6-42 and accomplished.

6-43 SECTION 4. (a) If this Act does not receive a two-thirds
6-44 vote of all the members elected to each house, Subchapter C, Chapter
6-45 7950A, Special District Local Laws Code, as added by Section 1 of
6-46 this Act, is amended by adding Section 7950A.0306 to read as
6-47 follows:

6-48 Sec. 7950A.0306. NO EMINENT DOMAIN POWER. The district may
6-49 not exercise the power of eminent domain.

6-50 (b) This section is not intended to be an expression of a
6-51 legislative interpretation of the requirements of Section 17(c),
6-52 Article I, Texas Constitution.

6-53 SECTION 5. This Act takes effect immediately if it receives
6-54 a vote of two-thirds of all the members elected to each house, as
6-55 provided by Section 39, Article III, Texas Constitution. If this
6-56 Act does not receive the vote necessary for immediate effect, this
6-57 Act takes effect September 1, 2023.

6-58 * * * * *