

SENATE AMENDMENTS

2nd Printing

By: Stucky

H.B. No. 5376

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Tabor Ranch Municipal Management
3 District; providing authority to issue bonds; providing authority
4 to impose assessments, fees, and taxes; granting a limited power of
5 eminent domain.

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

7 SECTION 1. Subtitle C, Title 4, Special District Local Laws
8 Code, is amended by adding Chapter 4000 to read as follows:

9 CHAPTER 4000. TABOR RANCH MUNICIPAL MANAGEMENT DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 4000.0101. DEFINITIONS. In this chapter:

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

13 (2) "City" means the City of Denton.

14 (3) "Director" means a board member.

15 (4) "District" means the Tabor Ranch Municipal
16 Management District.

17 Sec. 4000.0102. NATURE OF DISTRICT. The Tabor Ranch
18 Municipal Management District is a special district created under
19 Section 59, Article XVI, Texas Constitution.

20 Sec. 4000.0103. PURPOSE; DECLARATION OF INTENT. (a) The
21 creation of the district is essential to accomplish the purposes of
22 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
23 Texas Constitution, and other public purposes stated in this
24 chapter.

1 (b) By creating the district and in authorizing the city and
2 other political subdivisions to contract with the district, the
3 legislature has established a program to accomplish the public
4 purposes set out in Section 52-a, Article III, Texas Constitution.

5 (c) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

10 (d) This chapter and the creation of the district may not be
11 interpreted to relieve the city from providing the level of
12 services provided as of the effective date of the Act enacting this
13 chapter to the area in the district. The district is created to
14 supplement and not to supplant city services provided in the
15 district.

16 Sec. 4000.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

17 (a) All land and other property included in the district will
18 benefit from the improvements and services to be provided by the
19 district under powers conferred by Sections 52 and 52-a, Article
20 III, and Section 59, Article XVI, Texas Constitution, and other
21 powers granted under this chapter.

22 (b) The district is created to serve a public use and
23 benefit.

24 (c) The creation of the district is in the public interest
25 and is essential to further the public purposes of:

26 (1) developing and diversifying the economy of the
27 state;

1 (2) eliminating unemployment and underemployment; and
2 (3) developing or expanding transportation and
3 commerce.

4 (d) The district will:

5 (1) promote the health, safety, and general welfare of
6 residents, employers, potential employees, employees, visitors,
7 and consumers in the district, and of the public;

8 (2) provide needed funding for the district to
9 preserve, maintain, and enhance the economic health and vitality of
10 the district territory as a community and business center;

11 (3) promote the health, safety, welfare, and enjoyment
12 of the public by providing pedestrian ways and by landscaping and
13 developing certain areas in the district, which are necessary for
14 the restoration, preservation, and enhancement of scenic beauty;
15 and

16 (4) provide for water, wastewater, drainage, road, and
17 recreational facilities for the district.

18 (e) Pedestrian ways along or across a street, whether at
19 grade or above or below the surface, and street lighting, street
20 landscaping, parking, and street art objects are parts of and
21 necessary components of a street and are considered to be a street
22 or road improvement.

23 (f) The district will not act as the agent or
24 instrumentality of any private interest even though the district
25 will benefit many private interests as well as the public.

26 Sec. 4000.0105. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

1 Section 2 of the Act enacting this chapter.

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

6 (1) organization, existence, or validity;

7 (2) right to issue any type of bonds for the purposes
8 for which the district is created or to pay the principal of and
9 interest on the bonds;

10 (3) right to impose or collect an assessment; or

11 (4) legality or operation.

12 Sec. 4000.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

13 All or any part of the area of the district is eligible to be
14 included in:

15 (1) a tax increment reinvestment zone created under
16 Chapter 311, Tax Code; or

17 (2) a tax abatement reinvestment zone created under
18 Chapter 312, Tax Code.

19 Sec. 4000.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
20 DISTRICTS LAW. Except as otherwise provided by this chapter,
21 Chapter 375, Local Government Code, applies to the district.

22 Sec. 4000.0108. PRECONDITION. (a) The district may not
23 exercise any powers granted to the district by this chapter or other
24 law unless a development agreement between the city and the primary
25 landowner in the district that establishes the standards that apply
26 to development in the district, in addition to those contained in
27 zoning, subdivision, and other applicable ordinances of the city,

1 has been executed.

2 (b) If a development agreement described by Subsection (a)
3 has not been executed before September 1, 2025, the board shall
4 dissolve the district in the manner provided by Subchapter I as soon
5 as possible after September 1, 2025.

6 Sec. 4000.0109. CONSTRUCTION OF CHAPTER. This chapter
7 shall be liberally construed in conformity with the findings and
8 purposes stated in this chapter.

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 4000.0201. GOVERNING BODY; TERMS. (a) The district is
11 governed by a board of five elected directors who serve staggered
12 terms of four years.

13 (b) Directors are elected in the manner provided by
14 Subchapter D, Chapter 49, Water Code.

15 Sec. 4000.0202. COMPENSATION; EXPENSES. (a) The district
16 may compensate each director in an amount not to exceed \$150 for
17 each board meeting. The total amount of compensation for each
18 director in one year may not exceed \$7,200.

19 (b) A director is entitled to reimbursement for necessary
20 and reasonable expenses incurred in carrying out the duties and
21 responsibilities of the board.

22 Sec. 4000.0203. INITIAL DIRECTORS. (a) The initial board
23 consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>James Johnston</u>
<u>2</u>	<u>Felix Wong</u>
<u>3</u>	<u>Damian Perez</u>

1 4 Buck Nguyen

2 5 Anna Stewart

3 (b) Of the initial directors, the terms of directors
4 appointed for positions one through three expire June 1, 2025, and
5 the terms of directors appointed for positions four and five expire
6 June 1, 2027.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 4000.0301. GENERAL POWERS AND DUTIES. The district
9 has the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 4000.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The
12 district, using any money available to the district for the
13 purpose, may provide, design, construct, acquire, improve,
14 relocate, operate, maintain, or finance an improvement project or
15 service authorized under this chapter or under Chapter 375, Local
16 Government Code.

17 (b) The district may contract with a governmental or private
18 entity to carry out an action under Subsection (a).

19 (c) The implementation of a district project or service is a
20 governmental function or service for the purposes of Chapter 791,
21 Government Code.

22 Sec. 4000.0303. NONPROFIT CORPORATION. (a) The board by
23 resolution may authorize the creation of a nonprofit corporation to
24 assist and act for the district in implementing a project or
25 providing a service authorized by this chapter.

26 (b) The nonprofit corporation:

27 (1) has each power of and is considered to be a local

1 government corporation created under Subchapter D, Chapter 431,
2 Transportation Code; and

3 (2) may implement any project and provide any service
4 authorized by this chapter.

5 (c) The board shall appoint the board of directors of the
6 nonprofit corporation. The board of directors of the nonprofit
7 corporation shall serve in the same manner as the board of directors
8 of a local government corporation created under Subchapter D,
9 Chapter 431, Transportation Code, except that a board member is not
10 required to reside in the district.

11 Sec. 4000.0304. LAW ENFORCEMENT SERVICES. To protect the
12 public interest, the district may contract with a qualified party,
13 including the city, to provide law enforcement services in the
14 district for a fee.

15 Sec. 4000.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
16 The district may join and pay dues to a charitable or nonprofit
17 organization that performs a service or provides an activity
18 consistent with the furtherance of a district purpose.

19 Sec. 4000.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
20 district may engage in activities that accomplish the economic
21 development purposes of the district.

22 (b) The district may establish and provide for the
23 administration of one or more programs to promote state or local
24 economic development and to stimulate business and commercial
25 activity in the district, including programs to:

26 (1) make loans and grants of public money; and

27 (2) provide district personnel and services.

1 (c) The district may create economic development programs
2 and exercise the economic development powers provided to
3 municipalities by:

4 (1) Chapter 380, Local Government Code; and

5 (2) Subchapter A, Chapter 1509, Government Code.

6 Sec. 4000.0307. PARKING FACILITIES. (a) The district may
7 acquire, lease as lessor or lessee, construct, develop, own,
8 operate, and maintain parking facilities or a system of parking
9 facilities, including lots, garages, parking terminals, or other
10 structures or accommodations for parking motor vehicles off the
11 streets and related appurtenances.

12 (b) The district's parking facilities serve the public
13 purposes of the district and are owned, used, and held for a public
14 purpose even if leased or operated by a private entity for a term of
15 years.

16 (c) The district's parking facilities are parts of and
17 necessary components of a street and are considered to be a street
18 or road improvement.

19 (d) The development and operation of the district's parking
20 facilities may be considered an economic development program.

21 Sec. 4000.0308. ADDING OR EXCLUDING LAND. The district may
22 add or exclude land in the manner provided by Subchapter J, Chapter
23 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

24 Sec. 4000.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The
25 board by resolution shall establish the number of directors'
26 signatures and the procedure required for a disbursement or
27 transfer of district money.

1 Sec. 4000.0310. DIVISION OF DISTRICT. (a) The district may
2 be divided into two or more new districts only if the district:

3 (1) has no outstanding bonded debt; and

4 (2) is not imposing ad valorem taxes.

5 (b) This chapter applies to any new district created by the
6 division of the district, and a new district has all the powers and
7 duties of the district.

8 (c) Any new district created by the division of the district
9 may not, at the time the new district is created, contain any land
10 outside the area described by Section 2 of the Act enacting this
11 chapter.

12 (d) The board, on its own motion or on receipt of a petition
13 signed by the owner or owners of a majority of the assessed value of
14 the real property in the district, may adopt an order dividing the
15 district.

16 (e) An order dividing the district must:

17 (1) name each new district;

18 (2) include the metes and bounds description of the
19 territory of each new district;

20 (3) appoint initial directors for each new district;

21 and

22 (4) provide for the division of assets and liabilities
23 between or among the new districts.

24 (f) On or before the 30th day after the date of adoption of
25 an order dividing the district, the district shall file the order
26 with the Texas Commission on Environmental Quality and record the
27 order in the real property records of each county in which the

1 district is located.

2 (g) Any new district created by the division of the district
3 must hold an election as required by this chapter to obtain voter
4 approval before the district may impose a maintenance tax or issue
5 bonds payable wholly or partly from ad valorem taxes.

6 (h) Municipal consent to the creation of the district and to
7 the inclusion of land in the district granted under Section
8 4000.0506 acts as municipal consent to the creation of any new
9 district created by the division of the district and to the
10 inclusion of land in the new district.

11 Sec. 4000.0311. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
12 Section 375.161, Local Government Code, does not apply to the
13 district.

14 Sec. 4000.0312. EMINENT DOMAIN. The district may exercise
15 the power of eminent domain in the manner provided by Section
16 49.222, Water Code.

17 SUBCHAPTER D. ASSESSMENTS

18 Sec. 4000.0401. PETITION REQUIRED FOR FINANCING SERVICES
19 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
20 service or improvement project with assessments under this chapter
21 unless a written petition requesting that service or improvement
22 has been filed with the board.

23 (b) A petition filed under Subsection (a) must be signed by
24 the owners of a majority of the assessed value of real property in
25 the district subject to assessment according to the most recent
26 certified tax appraisal roll for the county.

27 Sec. 4000.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

1 The board by resolution may impose and collect an assessment for any
2 purpose authorized by this chapter in all or any part of the
3 district.

4 (b) An assessment, a reassessment, or an assessment
5 resulting from an addition to or correction of the assessment roll
6 by the district, penalties and interest on an assessment or
7 reassessment, an expense of collection, and reasonable attorney's
8 fees incurred by the district:

9 (1) are a first and prior lien against the property
10 assessed;

11 (2) are superior to any other lien or claim other than
12 a lien or claim for county, school district, or municipal ad valorem
13 taxes; and

14 (3) are the personal liability of and a charge against
15 the owners of the property even if the owners are not named in the
16 assessment proceedings.

17 (c) The lien is effective from the date of the board's
18 resolution imposing the assessment until the date the assessment is
19 paid. The board may enforce the lien in the same manner that the
20 board may enforce an ad valorem tax lien against real property.

21 (d) The board may make a correction to or deletion from the
22 assessment roll that does not increase the amount of assessment of
23 any parcel of land without providing notice and holding a hearing in
24 the manner required for additional assessments.

25 SUBCHAPTER E. TAXES AND BONDS

26 Sec. 4000.0501. TAX ELECTION REQUIRED. (a) The district
27 must hold an election in the manner provided by Chapter 49, Water

1 Code, or, if applicable, Chapter 375, Local Government Code, to
2 obtain voter approval before the district may impose an ad valorem
3 tax.

4 (b) Section 375.243, Local Government Code, does not apply
5 to the district.

6 Sec. 4000.0502. OPERATION AND MAINTENANCE TAX. (a) If
7 authorized by a majority of the district voters voting at an
8 election under Section 4000.0501, the district may impose an
9 operation and maintenance tax on taxable property in the district
10 in the manner provided by Section 49.107, Water Code, for any
11 district purpose, including to:

- 12 (1) maintain and operate the district;
13 (2) construct or acquire improvements; or
14 (3) provide a service.

15 (b) The board shall determine the operation and maintenance
16 tax rate. The rate may not exceed the rate approved at the
17 election.

18 Sec. 4000.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE
19 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
20 terms determined by the board.

21 (b) The district may issue bonds, notes, or other
22 obligations payable wholly or partly from ad valorem taxes,
23 assessments, impact fees, revenue, contract payments, grants, or
24 other district money, or any combination of those sources of money,
25 to pay for any authorized district purpose.

26 (c) The district may issue, by public or private sale,
27 bonds, notes, or other obligations payable wholly or partly from

1 assessments in the manner provided by Subchapter A, Chapter 372,
2 Local Government Code, if the improvement financed by the
3 obligation issued under this section will be conveyed to or
4 operated and maintained by a municipality or other retail utility
5 provider pursuant to an agreement with the district entered into
6 before the issuance of the obligation.

7 Sec. 4000.0504. BONDS SECURED BY REVENUE OR CONTRACT
8 PAYMENTS. The district may issue, without an election, bonds
9 secured by:

10 (1) revenue other than ad valorem taxes, including
11 contract revenues; or

12 (2) contract payments, provided that the requirements
13 of Section 49.108, Water Code, have been met.

14 Sec. 4000.0505. BONDS SECURED BY AD VALOREM TAXES;
15 ELECTIONS. (a) If authorized at an election under Section
16 4000.0501, the district may issue bonds payable from ad valorem
17 taxes.

18 (b) At the time the district issues bonds payable wholly or
19 partly from ad valorem taxes, the board shall provide for the annual
20 imposition of a continuing direct annual ad valorem tax, without
21 limit as to rate or amount, for each year that all or part of the
22 bonds are outstanding as required and in the manner provided by
23 Sections 54.601 and 54.602, Water Code.

24 (c) All or any part of any facilities or improvements that
25 may be acquired by a district by the issuance of its bonds may be
26 submitted as a single proposition or as several propositions to be
27 voted on at the election.

1 Sec. 4000.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The
2 board may not issue bonds until each municipality in whose
3 corporate limits or extraterritorial jurisdiction the district is
4 located has consented by ordinance or resolution to the creation of
5 the district and to the inclusion of land in the district.

6 (b) This section applies only to the district's first
7 issuance of bonds payable from ad valorem taxes.

8 SUBCHAPTER I. DISSOLUTION

9 Sec. 4000.0901. DISSOLUTION. (a) The board shall dissolve
10 the district on written petition filed with the board by the owners
11 of:

12 (1) a simple majority of the assessed value subject to
13 assessment by the district of the property in the district based on
14 the most recent certified county property tax rolls; or

15 (2) a simple majority of the surface area of the
16 district, excluding roads, streets, highways, utility
17 rights-of-way, other public areas, and other property exempt from
18 assessment by the district according to the most recent certified
19 county property tax rolls.

20 (b) The district may not be dissolved if the district:

21 (1) has any outstanding bonded or other indebtedness
22 until that bonded or other indebtedness has been repaid or defeased
23 in accordance with the order or resolution authorizing the issuance
24 of the bonded or other indebtedness;

25 (2) has a contractual obligation to pay money until
26 that obligation has been fully paid in accordance with the
27 contract; or

1 (3) owns, operates, or maintains public works,
2 facilities, or improvements unless the district has contracted with
3 another party for the ownership and operation or maintenance of the
4 public works, facilities, or improvements.

5 (c) Section 375.262, Local Government Code, does not apply
6 to the district.

7 SECTION 2. The Tabor Ranch Municipal Management District
8 initially includes all territory contained in the following area:
9 BEING, 599.392 ACRES OF LAND LOCATED IN THE S. WINFREY SURVEY,
10 ABSTRACT NUMBER 1319, DENTON COUNTY, TEXAS, BEING ALL OF THE TABOR
11 RANCH, LLC. CALLED 105.888 ACRE TRACT, ALL OF THE TABOR RANCH, LLC.
12 CALLED 21 ACRE TRACT, ALL OF THE TABOR RANCH, LLC. CALLED 52.437
13 ACRE TRACT, ALL OF THE TABOR RANCH, LLC. CALLED 177-1/2 ACRE TRACT
14 AND ALL OF THE TABOR RANCH, LLC. CALLED 173.93 ACRE TRACT AS
15 DESCRIBED IN DOCUMENT NUMBER 2010-12029 DEED RECORDS DENTON COUNTY,
16 TEXAS (D.R.D.C.T.), AND BEING A PART OF THE CALLED 70.892 ACRE
17 TRACT, DESCRIBED IN A DEED TO BEALL LEGACY PARTNERS, LP, RECORDED IN
18 INSTRUMENT NUMBER 148598, (D.R.D.C.T.) AND BEING MORE PARTICULARLY
19 DESCRIBED AS FOLLOWS BY METES AND BOUNDS:
20 BEGINNING AT A 1/2" IRON ROD FOUND IN THE APPROXIMATE INTERSECTION
21 OF THE CENTERLINE OF GEORGE OWENS (NO RECORD FOUND BY SURVEYOR) AND
22 THE SOUTH LINE OF OLD STONEY ROAD (NO RECORD FOUND BY SURVEYOR), IN
23 THE NORTH LINE OF THE BRYAN ANDERSON CALLED 125 ACRE TRACT RECORDED
24 IN VOLUME 358, PAGE 88 (D.R.D.C.T.) AND AT THE SOUTHEAST CORNER OF
25 SAID 52.437 ACRE TRACT);
26 THENCE SOUTH 89 DEGREES 53 MINUTES 21 SECONDS WEST, AT A DISTANCE OF
27 1710.80 FEET PASS A 1/2" IRON ROD FOUND IN THE SOUTH LINE OF SAID OLD

1 STONEY ROAD, AT THE NORTHWEST CORNER OF SAID 125 ACRE TRACT AND
2 BEING THE COMMON NORTHEAST CORNER OF THE FRED E. KENNEDY AND MARSHA
3 A. KENNEDY, CALLED 5.322 ACRE TRACT RECORDED IN INSTRUMENT NUMBER
4 1993-42458 (D.R.D.C.T.) CONTINUING ALONG THE SOUTH LINE OF OLD
5 STONEY ROAD AND THE NORTH LINE OF SAID 5.322 A TOTAL DISTANCE OF
6 1792.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET AT
7 THE SOUTHWEST CORNER OF SAID 52.437 ACRE TRACT SAME BEING THE COMMON
8 SOUTHEAST CORNER OF SAID 177-1/2 ACRE TRACT;
9 THENCE SOUTH 89 DEGREES 48 MINUTES 14 SECONDS WEST CONTINUING ALONG
10 THE SOUTH LINE OF SAID OLD STONEY ROAD, THE NORTH LINE OF SAID 5.322
11 ACRE TRACT, THE NORTH LINE OF THE MORADI ADDITION, AN ADDITION
12 RECORDED IN CABINET D, PAGE 69 PLAT RECORDS DENTON COUNTY, TEXAS,
13 THE NORTH LINE OF THE ANDREA BENNINGTON CALLED 5.286 ACRE TRACT
14 RECORDED IN VOLUME 5166, PAGE 3845 (D.R.D.C.T.), AND THE NORTH LINE
15 OF THE CAROL THOMAS CALLED 100 ACRE TRACT RECORDED IN DOCUMENT
16 NUMBER 95-0027698 (D.R.D.C.T.), A DISTANCE OF 1780.41 FEET TO A
17 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET AT THE SOUTHWEST
18 CORNER OF SAID 177-1/2 ACRE TRACT FROM WHICH AN AXLE FOUND IN THE
19 SOUTH LINE OF SAID OLD STONEY ROAD, AT THE NORTHWEST CORNER OF SAID
20 100 ACRE TRACT AND THE COMMON NORTHWEST CORNER OF THE PAUL S. NULL
21 AND JULIE K. NULL CALLED 4.005 ACRE TRACT RECORDED IN VOLUME 4186,
22 PAGE 315, (D.R.D.C.T.) BEARS SOUTH 89 DEGREES 48 MINUTES 14 SECONDS
23 WEST, A DISTANCE OF 1018.37 FEET;
24 THENCE NORTH 00 DEGREES 11 MINUTES 46 SECONDS WEST, ALONG THE WEST
25 LINE OF SAID 177-1/2 ACRE TRACT A DISTANCE OF 50.33 FEET TO A 3/8
26 IRON ROD FOUND (SLICK) IN THE NORTH LINE OF SAID OLD STONEY ROAD AND
27 AT THE SOUTHEAST CORNER OF SAID 173.93 ACRE TRACT;

1 THENCE SOUTH 89 DEGREES 55 MINUTES 21 SECONDS WEST ALONG THE SAID
2 NORTH LINE OF OLD STONEY ROAD A DISTANCE OF 1819.38 FEET TO A PIPE
3 FENCE CORNER (WITH FLAGGING) FOUND AT THE SOUTHWEST CORNER OF SAID
4 173.93 ACRE TRACT, SAME BEING THE COMMON SOUTHEAST CORNER OF THE J.
5 YOUNG LAND & CATTLE, LTD CALLED 153.86 ACRE TRACT RECORDED IN
6 INSTRUMENT NUMBER 2003-203076 (D.R.D.C.T.);
7 THENCE NORTH 00 DEGREES 02 MINUTES 53 SECONDS EAST, A DISTANCE OF
8 4165.36 FEET TO A 60D NAIL (FLAGGED) FOUND IN THE SOUTH LINE OF THE
9 DANIEL ROBERSON BYPASS TRUST SCHOOLFIELD CALLED 174.14 AC TRACT
10 RECORDED IN VOLUME 297, PG. 412 AT THE NORTHWEST CORNER OF SAID
11 173.93 ACRE TRACT SAME BEING THE COMMON NORTHEAST CORNER OF SAID
12 153.86 ACRE TRACT;
13 THENCE NORTH 89 DEGREES 45 MINUTES 22 SECONDS EAST, A DISTANCE OF
14 1818.76 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET IN
15 THE WEST LINE OF SAID 177-1/2 ACRE TRACT AT THE NORTHEAST CORNER OF
16 SAID 173.93 ACRE TRACT SAME BEING THE COMMON SOUTHEAST CORNER OF
17 SAID 174.14 ACRE TRACT;
18 THENCE NORTH 00 DEGREES 12 MINUTES 29 SECONDS EAST, A DISTANCE OF
19 153.04 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET IN
20 THE EAST LINE OF SAID 174.14 ACRE TRACT AT THE NORTHWEST CORNER OF
21 SAID 177-1/2 ACRE TRACT, AND BEING THE COMMON SOUTHWEST CORNER OF
22 THE RK & RK INVESTMENTS, INC. CALLED 79 ACRE TRACT RECORDED IN
23 INSTRUMENT NUMBER 2018-99798 (D.R.D.C.T.);
24 THENCE SOUTH 89 DEGREES 47 MINUTES 31 SECONDS EAST, A DISTANCE OF
25 1793.00 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF
26 SAID 79 ACRE TRACT, SAME BEING THE COMMON NORTHEAST CORNER OF SAID
27 177-1/2 ACRE TRACT, THE COMMON NORTHWEST CORNER OF SAID 105.888

1 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID 70.892 ACRE
2 TRACT;
3 THENCE NORTH 00 DEGREES 11 MINUTES 14 SECONDS EAST ALONG THE WEST
4 LINE OF SAID 70.892 ACRE TRACT AND THE COMMON EAST LINE OF SAID 79
5 ACRE TRACT, A DISTANCE OF 1670.02 FEET TO A A 1/2" IRON ROD WITH CAP
6 STAMPED "ONEAL 6570" SET AT THE SOUTHWEST CORNER OF A CALLED 4.4425
7 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, RECORDED IN
8 INSTRUMENT NUMBER 2008-33229, (D.R.D.C.T.), AND BEING THE SOUTH
9 RIGHT-OF-WAY LINE OF US HIGHWAY 380;
10 THENCE SOUTH 87 DEGREES 16 MINUTES 24 SECONDS EAST, ALONG THE SOUTH
11 RIGHT-OF-WAY LINE, A DISTANCE OF 1798.32 FEET TO A PK NAIL SET AT
12 THE SOUTHEAST CORNER OF SAID 4.4425 ACRE TRACT AND BEING IN THE EAST
13 LINE OF SAID 70.892 ACRE TRACT, AND BEING WITHIN GEORGE OWENS ROAD.
14 THENCE SOUTH 00 DEGREES 58 MINUTES 08 SECONDS WEST, ALONG THE EAST
15 LINE OF SAID 70.892 ACRE TRACT, A DISTANCE OF 1592.60 FEET TO 1/2"
16 IRON ROD WITH YELLOW CAP STAMPED "METROPLEX 1849" FOUND AT THE
17 SOUTHEAST CORNER OF SAID 70.892 ACRE TRACT, AND BEING INN THE NORTH
18 LINE OF SAID 105.888 ACRE TRACT;
19 THENCE SOUTH 89 DEGREES 44 MINUTES 46 SECONDS EAST, ALONG THE NORTH
20 LINE OF SAID 105.888 ACRE TRACT, A DISTANCE OF 19.16 FEET TO A 1/2"
21 IRON ROD WITH CAP STAMPED "ONEAL 6570" SET IN THE APPROXIMATE
22 CENTERLINE OF SAID GEORGE OWENS ROAD, SAME BEING THE WEST LINE OF
23 THE FONDER PROPERTIES, LLC CALLED 104.290 ACRE TRACT RECORDED IN
24 INSTRUMENT NUMBER 12243 (D.R.D.C.T.) AND BEING AT THE NORTHEAST
25 CORNER OF SAID 105.888 ACRE TRACT;
26 THENCE SOUTH 00 DEGREES 14 MINUTES 19 SECONDS WEST ALONG THE EAST
27 LINE OF SAID 105.888 ACRE TRACT SAME BEING THE COMMON WEST LINE OF

1 SAID 104.290 ACRE TRACT AND THE COMMON WEST LINE OF THE JOE B.
2 TINDLE AND WIFE ORLAN TINDLE CALLED 272.67 ACRE TRACT RECORDED IN
3 VOLUME 616, PAGE 338, (D.R.D.C.T.), A DISTANCE OF 3075.71 FEET TO A
4 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID 105.888 ACRE
5 TRACT SAME BEING THE COMMON NORTHEAST CORNER OF THE SAID 52.437 ACRE
6 TRACT;

7 THENCE SOUTH 00 DEGREES 13 MINUTES 28 SECONDS WEST, CONTINUING
8 ALONG THE EAST LINE OF SAID 52.437 ACRE TRACT AND THE COMMON WEST
9 LINE OF SAID 272.67 ACRE TRACT, A DISTANCE OF 1274.32 FEET TO THE
10 POINT OF BEGINNING AND CONTAINING 599.392 ACRES OF LAND, MORE OF
11 LESS BEARINGS RECITED HEREIN ARE BASED UPON THE TEXAS COORDINATE
12 SYSTEM OF 1983 (2011), NORTH CENTRAL ZONE (4202).

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

20 (b) The governor, one of the required recipients, has
21 submitted the notice and Act to the Texas Commission on
22 Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor,
25 lieutenant governor, and speaker of the house of representatives
26 within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act have been
3 fulfilled and accomplished.

4 SECTION 4. (a) Section 4000.0312, Special District Local
5 Laws Code, as added by Section 1 of this Act, takes effect only if
6 this Act receives a two-thirds vote of all the members elected to
7 each house.

8 (b) If this Act does not receive a two-thirds vote of all the
9 members elected to each house, Subchapter C, Chapter 4000, Special
10 District Local Laws Code, as added by Section 1 of this Act, is
11 amended by adding Section 4000.0312 to read as follows:

12 Sec. 4000.0312. NO EMINENT DOMAIN POWER. The district may
13 not exercise the power of eminent domain.

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

ADOPTED

MAY 24 2023

Arly No. 5376
Secretary of the Senate

By: *Tom Parker*

Substitute the following for H.B. No. 5376:

By: *[Signature]*

C.S.H.B. No. 5376

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Tabor Ranch Municipal Management
3 District; providing authority to issue bonds; providing authority
4 to impose assessments, fees, and taxes; granting a limited power of
5 eminent domain.

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

7 SECTION 1. Subtitle C, Title 4, Special District Local Laws
8 Code, is amended by adding Chapter 4000 to read as follows:

9 CHAPTER 4000. TABOR RANCH MUNICIPAL MANAGEMENT DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 4000.0101. DEFINITIONS. In this chapter:

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

13 (2) "City" means the City of Denton.

14 (3) "Director" means a board member.

15 (4) "District" means the Tabor Ranch Municipal
16 Management District.

17 Sec. 4000.0102. NATURE OF DISTRICT. The Tabor Ranch
18 Municipal Management District is a special district created under
19 Section 59, Article XVI, Texas Constitution.

20 Sec. 4000.0103. PURPOSE; DECLARATION OF INTENT. (a) The
21 creation of the district is essential to accomplish the purposes of
22 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
23 Texas Constitution, and other public purposes stated in this
24 chapter.

1 (b) By creating the district and in authorizing the city and
2 other political subdivisions to contract with the district, the
3 legislature has established a program to accomplish the public
4 purposes set out in Section 52-a, Article III, Texas Constitution.

5 (c) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

10 (d) This chapter and the creation of the district may not be
11 interpreted to relieve the city from providing the level of
12 services provided as of the effective date of the Act enacting this
13 chapter to the area in the district. The district is created to
14 supplement and not to supplant city services provided in the
15 district.

16 Sec. 4000.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

17 (a) All land and other property included in the district will
18 benefit from the improvements and services to be provided by the
19 district under powers conferred by Sections 52 and 52-a, Article
20 III, and Section 59, Article XVI, Texas Constitution, and other
21 powers granted under this chapter.

22 (b) The district is created to serve a public use and
23 benefit.

24 (c) The creation of the district is in the public interest
25 and is essential to further the public purposes of:

26 (1) developing and diversifying the economy of the
27 state;

1 (2) eliminating unemployment and underemployment; and
2 (3) developing or expanding transportation and
3 commerce.

4 (d) The district will:

5 (1) promote the health, safety, and general welfare of
6 residents, employers, potential employees, employees, visitors,
7 and consumers in the district, and of the public;

8 (2) provide needed funding for the district to
9 preserve, maintain, and enhance the economic health and vitality of
10 the district territory as a community and business center;

11 (3) promote the health, safety, welfare, and enjoyment
12 of the public by providing pedestrian ways and by landscaping and
13 developing certain areas in the district, which are necessary for
14 the restoration, preservation, and enhancement of scenic beauty;
15 and

16 (4) provide for water, wastewater, drainage, road, and
17 recreational facilities for the district.

18 (e) Pedestrian ways along or across a street, whether at
19 grade or above or below the surface, and street lighting, street
20 landscaping, parking, and street art objects are parts of and
21 necessary components of a street and are considered to be a street
22 or road improvement.

23 (f) The district will not act as the agent or
24 instrumentality of any private interest even though the district
25 will benefit many private interests as well as the public.

26 Sec. 4000.0105. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

1 Section 2 of the Act enacting this chapter.

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

6 (1) organization, existence, or validity;

7 (2) right to issue any type of bonds for the purposes
8 for which the district is created or to pay the principal of and
9 interest on the bonds;

10 (3) right to impose or collect an assessment; or

11 (4) legality or operation.

12 Sec. 4000.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
13 All or any part of the area of the district is eligible to be
14 included in:

15 (1) a tax increment reinvestment zone created under
16 Chapter 311, Tax Code; or

17 (2) a tax abatement reinvestment zone created under
18 Chapter 312, Tax Code.

19 Sec. 4000.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
20 DISTRICTS LAW. Except as otherwise provided by this chapter,
21 Chapter 375, Local Government Code, applies to the district.

22 Sec. 4000.0108. PRECONDITION. (a) The district may not
23 exercise any powers granted to the district by this chapter or other
24 law unless a development agreement between the city and the primary
25 landowner in the district that establishes the standards that apply
26 to development in the district, in addition to those contained in
27 zoning, subdivision, and other applicable ordinances of the city,

1 has been executed.

2 (b) If a development agreement described by Subsection (a)
3 has not been executed before September 1, 2025, the board shall
4 dissolve the district in the manner provided by Subchapter I as soon
5 as possible after September 1, 2025.

6 Sec. 4000.0109. CONSTRUCTION OF CHAPTER. This chapter
7 shall be liberally construed in conformity with the findings and
8 purposes stated in this chapter.

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 4000.0201. GOVERNING BODY; TERMS. (a) The district is
11 governed by a board of five elected directors who serve staggered
12 terms of four years.

13 (b) Directors are elected in the manner provided by
14 Subchapter D, Chapter 49, Water Code.

15 Sec. 4000.0202. COMPENSATION; EXPENSES. (a) The district
16 may compensate each director in an amount not to exceed \$150 for
17 each board meeting. The total amount of compensation for each
18 director in one year may not exceed \$7,200.

19 (b) A director is entitled to reimbursement for necessary
20 and reasonable expenses incurred in carrying out the duties and
21 responsibilities of the board.

22 Sec. 4000.0203. INITIAL DIRECTORS. (a) The initial board
23 consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>James Johnston</u>
<u>2</u>	<u>Felix Wong</u>
<u>3</u>	<u>Damian Perez</u>

1 4 Buck Nguyen

2 5 Anna Stewart

3 (b) Of the initial directors, the terms of directors
4 appointed for positions one through three expire June 1, 2025, and
5 the terms of directors appointed for positions four and five expire
6 June 1, 2027.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 4000.0301. GENERAL POWERS AND DUTIES. The district
9 has the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 4000.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The
12 district, using any money available to the district for the
13 purpose, may provide, design, construct, acquire, improve,
14 relocate, operate, maintain, or finance an improvement project or
15 service authorized under this chapter or under Chapter 375, Local
16 Government Code.

17 (b) The district may contract with a governmental or private
18 entity to carry out an action under Subsection (a).

19 (c) The implementation of a district project or service is a
20 governmental function or service for the purposes of Chapter 791,
21 Government Code.

22 Sec. 4000.0303. NONPROFIT CORPORATION. (a) The board by
23 resolution may authorize the creation of a nonprofit corporation to
24 assist and act for the district in implementing a project or
25 providing a service authorized by this chapter.

26 (b) The nonprofit corporation:

27 (1) has each power of and is considered to be a local

1 government corporation created under Subchapter D, Chapter 431,
2 Transportation Code; and

3 (2) may implement any project and provide any service
4 authorized by this chapter.

5 (c) The board shall appoint the board of directors of the
6 nonprofit corporation. The board of directors of the nonprofit
7 corporation shall serve in the same manner as the board of directors
8 of a local government corporation created under Subchapter D,
9 Chapter 431, Transportation Code, except that a board member is not
10 required to reside in the district.

11 Sec. 4000.0304. LAW ENFORCEMENT SERVICES. To protect the
12 public interest, the district may contract with a qualified party,
13 including the city, to provide law enforcement services in the
14 district for a fee.

15 Sec. 4000.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
16 The district may join and pay dues to a charitable or nonprofit
17 organization that performs a service or provides an activity
18 consistent with the furtherance of a district purpose.

19 Sec. 4000.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
20 district may engage in activities that accomplish the economic
21 development purposes of the district.

22 (b) The district may establish and provide for the
23 administration of one or more programs to promote state or local
24 economic development and to stimulate business and commercial
25 activity in the district, including programs to:

26 (1) make loans and grants of public money; and

27 (2) provide district personnel and services.

1 (c) The district may create economic development programs
2 and exercise the economic development powers provided to
3 municipalities by:

4 (1) Chapter 380, Local Government Code; and

5 (2) Subchapter A, Chapter 1509, Government Code.

6 Sec. 4000.0307. PARKING FACILITIES. (a) The district may
7 acquire, lease as lessor or lessee, construct, develop, own,
8 operate, and maintain parking facilities or a system of parking
9 facilities, including lots, garages, parking terminals, or other
10 structures or accommodations for parking motor vehicles off the
11 streets and related appurtenances.

12 (b) The district's parking facilities serve the public
13 purposes of the district and are owned, used, and held for a public
14 purpose even if leased or operated by a private entity for a term of
15 years.

16 (c) The district's parking facilities are parts of and
17 necessary components of a street and are considered to be a street
18 or road improvement.

19 (d) The development and operation of the district's parking
20 facilities may be considered an economic development program.

21 Sec. 4000.0308. ADDING OR EXCLUDING LAND. The district may
22 add or exclude land in the manner provided by Subchapter J, Chapter
23 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

24 Sec. 4000.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The
25 board by resolution shall establish the number of directors'
26 signatures and the procedure required for a disbursement or
27 transfer of district money.

1 Sec. 4000.0310. DIVISION OF DISTRICT. (a) The district may
2 be divided into two or more new districts only if the district:

3 (1) has no outstanding bonded debt; and

4 (2) is not imposing ad valorem taxes.

5 (b) This chapter applies to any new district created by the
6 division of the district, and a new district has all the powers and
7 duties of the district.

8 (c) Any new district created by the division of the district
9 may not, at the time the new district is created, contain any land
10 outside the area described by Section 2 of the Act enacting this
11 chapter.

12 (d) The board, on its own motion or on receipt of a petition
13 signed by the owner or owners of a majority of the assessed value of
14 the real property in the district, may adopt an order dividing the
15 district.

16 (e) An order dividing the district must:

17 (1) name each new district;

18 (2) include the metes and bounds description of the
19 territory of each new district;

20 (3) appoint initial directors for each new district;

21 and

22 (4) provide for the division of assets and liabilities
23 between or among the new districts.

24 (f) On or before the 30th day after the date of adoption of
25 an order dividing the district, the district shall file the order
26 with the Texas Commission on Environmental Quality and record the
27 order in the real property records of each county in which the

1 district is located.

2 (g) Any new district created by the division of the district
3 must hold an election as required by this chapter to obtain voter
4 approval before the district may impose a maintenance tax or issue
5 bonds payable wholly or partly from ad valorem taxes.

6 (h) Municipal consent to the creation of the district and to
7 the inclusion of land in the district granted under Section
8 4000.0506 acts as municipal consent to the creation of any new
9 district created by the division of the district and to the
10 inclusion of land in the new district.

11 Sec. 4000.0311. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
12 Section 375.161, Local Government Code, does not apply to the
13 district.

14 Sec. 4000.0312. EMINENT DOMAIN. The district may exercise
15 the power of eminent domain in the manner provided by Section
16 49.222, Water Code.

17 SUBCHAPTER D. ASSESSMENTS

18 Sec. 4000.0401. PETITION REQUIRED FOR FINANCING SERVICES
19 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
20 service or improvement project with assessments under this chapter
21 unless a written petition requesting that service or improvement
22 has been filed with the board.

23 (b) A petition filed under Subsection (a) must be signed by
24 the owners of a majority of the assessed value of real property in
25 the district subject to assessment according to the most recent
26 certified tax appraisal roll for the county.

27 Sec. 4000.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

1 The board by resolution may impose and collect an assessment for any
2 purpose authorized by this chapter in all or any part of the
3 district.

4 (b) An assessment, a reassessment, or an assessment
5 resulting from an addition to or correction of the assessment roll
6 by the district, penalties and interest on an assessment or
7 reassessment, an expense of collection, and reasonable attorney's
8 fees incurred by the district:

9 (1) are a first and prior lien against the property
10 assessed;

11 (2) are superior to any other lien or claim other than
12 a lien or claim for county, school district, or municipal ad valorem
13 taxes; and

14 (3) are the personal liability of and a charge against
15 the owners of the property even if the owners are not named in the
16 assessment proceedings.

17 (c) The lien is effective from the date of the board's
18 resolution imposing the assessment until the date the assessment is
19 paid. The board may enforce the lien in the same manner that the
20 board may enforce an ad valorem tax lien against real property.

21 (d) The board may make a correction to or deletion from the
22 assessment roll that does not increase the amount of assessment of
23 any parcel of land without providing notice and holding a hearing in
24 the manner required for additional assessments.

25 SUBCHAPTER E. TAXES AND BONDS

26 Sec. 4000.0501. TAX ELECTION REQUIRED. (a) The district
27 must hold an election in the manner provided by Chapter 49, Water

1 Code, or, if applicable, Chapter 375, Local Government Code, to
2 obtain voter approval before the district may impose an ad valorem
3 tax.

4 (b) Section 375.243, Local Government Code, does not apply
5 to the district.

6 Sec. 4000.0502. OPERATION AND MAINTENANCE TAX. (a) If
7 authorized by a majority of the district voters voting at an
8 election under Section 4000.0501, the district may impose an
9 operation and maintenance tax on taxable property in the district
10 in the manner provided by Section 49.107, Water Code, for any
11 district purpose, including to:

- 12 (1) maintain and operate the district;
- 13 (2) construct or acquire improvements; or
- 14 (3) provide a service.

15 (b) The board shall determine the operation and maintenance
16 tax rate. The rate may not exceed the rate approved at the
17 election.

18 Sec. 4000.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE
19 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
20 terms determined by the board.

21 (b) The district may issue bonds, notes, or other
22 obligations payable wholly or partly from ad valorem taxes,
23 assessments, impact fees, revenue, contract payments, grants, or
24 other district money, or any combination of those sources of money,
25 to pay for any authorized district purpose.

26 (c) The district may issue, by public or private sale,
27 bonds, notes, or other obligations payable wholly or partly from

1 assessments in the manner provided by Subchapter A, Chapter 372,
2 Local Government Code, if the improvement financed by the
3 obligation issued under this section will be conveyed to or
4 operated and maintained by a municipality or other retail utility
5 provider pursuant to an agreement with the district entered into
6 before the issuance of the obligation.

7 Sec. 4000.0504. BONDS SECURED BY REVENUE OR CONTRACT
8 PAYMENTS. The district may issue, without an election, bonds
9 secured by:

10 (1) revenue other than ad valorem taxes, including
11 contract revenues; or

12 (2) contract payments, provided that the requirements
13 of Section 49.108, Water Code, have been met.

14 Sec. 4000.0505. BONDS SECURED BY AD VALOREM TAXES;
15 ELECTIONS. (a) If authorized at an election under Section
16 4000.0501, the district may issue bonds payable from ad valorem
17 taxes.

18 (b) At the time the district issues bonds payable wholly or
19 partly from ad valorem taxes, the board shall provide for the annual
20 imposition of a continuing direct annual ad valorem tax, without
21 limit as to rate or amount, for each year that all or part of the
22 bonds are outstanding as required and in the manner provided by
23 Sections 54.601 and 54.602, Water Code.

24 (c) All or any part of any facilities or improvements that
25 may be acquired by a district by the issuance of its bonds may be
26 submitted as a single proposition or as several propositions to be
27 voted on at the election.

1 Sec. 4000.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The
2 board may not issue bonds until each municipality in whose
3 corporate limits or extraterritorial jurisdiction the district is
4 located has consented by ordinance or resolution to the creation of
5 the district and to the inclusion of land in the district.

6 (b) This section applies only to the district's first
7 issuance of bonds payable from ad valorem taxes.

8 SUBCHAPTER I. DISSOLUTION

9 Sec. 4000.0901. DISSOLUTION. (a) The board shall dissolve
10 the district on written petition filed with the board by the owners
11 of:

12 (1) 66 percent or more of the assessed value subject to
13 assessment by the district of the property in the district based on
14 the most recent certified county property tax rolls; or

15 (2) 66 percent or more of the surface area of the
16 district, excluding roads, streets, highways, utility
17 rights-of-way, other public areas, and other property exempt from
18 assessment by the district according to the most recent certified
19 county property tax rolls.

20 (b) The district may not be dissolved if the district:

21 (1) has any outstanding bonded or other indebtedness
22 until that bonded or other indebtedness has been repaid or defeased
23 in accordance with the order or resolution authorizing the issuance
24 of the bonded or other indebtedness;

25 (2) has a contractual obligation to pay money until
26 that obligation has been fully paid in accordance with the
27 contract; or

1 (3) owns, operates, or maintains public works,
2 facilities, or improvements unless the district has contracted with
3 another party for the ownership and operation or maintenance of the
4 public works, facilities, or improvements.

5 (c) Section 375.262, Local Government Code, does not apply
6 to the district.

7 SECTION 2. The Tabor Ranch Municipal Management District
8 initially includes all territory contained in the following area:

9 BEING, 599.392 ACRES OF LAND LOCATED IN THE S. WINFREY SURVEY,
10 ABSTRACT NUMBER 1319, DENTON COUNTY, TEXAS, BEING ALL OF THE TABOR
11 RANCH, LLC. CALLED 105.888 ACRE TRACT, ALL OF THE TABOR RANCH, LLC.
12 CALLED 21 ACRE TRACT, ALL OF THE TABOR RANCH, LLC. CALLED 52.437
13 ACRE TRACT, ALL OF THE TABOR RANCH, LLC. CALLED 177-1/2 ACRE TRACT
14 AND ALL OF THE TABOR RANCH, LLC. CALLED 173.93 ACRE TRACT AS
15 DESCRIBED IN DOCUMENT NUMBER 2010-12029 DEED RECORDS DENTON COUNTY,
16 TEXAS (D.R.D.C.T.), AND BEING A PART OF THE CALLED 70.892 ACRE
17 TRACT, DESCRIBED IN A DEED TO BEALL LEGACY PARTNERS, LP, RECORDED IN
18 INSTRUMENT NUMBER 148598, (D.R.D.C.T.) AND BEING MORE PARTICULARLY
19 DESCRIBED AS FOLLOWS BY METES AND BOUNDS:

20 BEGINNING AT A 1/2" IRON ROD FOUND IN THE APPROXIMATE INTERSECTION
21 OF THE CENTERLINE OF GEORGE OWENS (NO RECORD FOUND BY SURVEYOR) AND
22 THE SOUTH LINE OF OLD STONEY ROAD (NO RECORD FOUND BY SURVEYOR), IN
23 THE NORTH LINE OF THE BRYAN ANDERSON CALLED 125 ACRE TRACT RECORDED
24 IN VOLUME 358, PAGE 88 (D.R.D.C.T.) AND AT THE SOUTHEAST CORNER OF
25 SAID 52.437 ACRE TRACT);

26 THENCE SOUTH 89 DEGREES 53 MINUTES 21 SECONDS WEST, AT A DISTANCE OF
27 1710.80 FEET PASS A 1/2" IRON ROD FOUND IN THE SOUTH LINE OF SAID OLD

1 STONEY ROAD, AT THE NORTHWEST CORNER OF SAID 125 ACRE TRACT AND
2 BEING THE COMMON NORTHEAST CORNER OF THE FRED E. KENNEDY AND MARSHA
3 A. KENNEDY, CALLED 5.322 ACRE TRACT RECORDED IN INSTRUMENT NUMBER
4 1993-42458 (D.R.D.C.T.) CONTINUING ALONG THE SOUTH LINE OF OLD
5 STONEY ROAD AND THE NORTH LINE OF SAID 5.322 A TOTAL DISTANCE OF
6 1792.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET AT
7 THE SOUTHWEST CORNER OF SAID 52.437 ACRE TRACT SAME BEING THE COMMON
8 SOUTHEAST CORNER OF SAID 177-1/2 ACRE TRACT;
9 THENCE SOUTH 89 DEGREES 48 MINUTES 14 SECONDS WEST CONTINUING ALONG
10 THE SOUTH LINE OF SAID OLD STONEY ROAD, THE NORTH LINE OF SAID 5.322
11 ACRE TRACT, THE NORTH LINE OF THE MORADI ADDITION, AN ADDITION
12 RECORDED IN CABINET D, PAGE 69 PLAT RECORDS DENTON COUNTY, TEXAS,
13 THE NORTH LINE OF THE ANDREA BENNINGTON CALLED 5.286 ACRE TRACT
14 RECORDED IN VOLUME 5166, PAGE 3845 (D.R.D.C.T.), AND THE NORTH LINE
15 OF THE CAROL THOMAS CALLED 100 ACRE TRACT RECORDED IN DOCUMENT
16 NUMBER 95-0027698 (D.R.D.C.T.), A DISTANCE OF 1780.41 FEET TO A
17 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET AT THE SOUTHWEST
18 CORNER OF SAID 177-1/2 ACRE TRACT FROM WHICH AN AXLE FOUND IN THE
19 SOUTH LINE OF SAID OLD STONEY ROAD, AT THE NORTHWEST CORNER OF SAID
20 100 ACRE TRACT AND THE COMMON NORTHWEST CORNER OF THE PAUL S. NULL
21 AND JULIE K. NULL CALLED 4.005 ACRE TRACT RECORDED IN VOLUME 4186,
22 PAGE 315, (D.R.D.C.T.) BEARS SOUTH 89 DEGREES 48 MINUTES 14 SECONDS
23 WEST, A DISTANCE OF 1018.37 FEET;
24 THENCE NORTH 00 DEGREES 11 MINUTES 46 SECONDS WEST, ALONG THE WEST
25 LINE OF SAID 177-1/2 ACRE TRACT A DISTANCE OF 50.33 FEET TO A 3/8
26 IRON ROD FOUND (SLICK) IN THE NORTH LINE OF SAID OLD STONEY ROAD AND
27 AT THE SOUTHEAST CORNER OF SAID 173.93 ACRE TRACT;

1 THENCE SOUTH 89 DEGREES 55 MINUTES 21 SECONDS WEST ALONG THE SAID
2 NORTH LINE OF OLD STONEY ROAD A DISTANCE OF 1819.38 FEET TO A PIPE
3 FENCE CORNER (WITH FLAGGING) FOUND AT THE SOUTHWEST CORNER OF SAID
4 173.93 ACRE TRACT, SAME BEING THE COMMON SOUTHEAST CORNER OF THE J.
5 YOUNG LAND & CATTLE, LTD CALLED 153.86 ACRE TRACT RECORDED IN
6 INSTRUMENT NUMBER 2003-203076 (D.R.D.C.T.);
7 THENCE NORTH 00 DEGREES 02 MINUTES 53 SECONDS EAST, A DISTANCE OF
8 4165.36 FEET TO A 60D NAIL (FLAGGED) FOUND IN THE SOUTH LINE OF THE
9 DANIEL ROBERSON BYPASS TRUST SCHOOLFIELD CALLED 174.14 AC TRACT
10 RECORDED IN VOLUME 297, PG. 412 AT THE NORTHWEST CORNER OF SAID
11 173.93 ACRE TRACT SAME BEING THE COMMON NORTHEAST CORNER OF SAID
12 153.86 ACRE TRACT;
13 THENCE NORTH 89 DEGREES 45 MINUTES 22 SECONDS EAST, A DISTANCE OF
14 1818.76 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET IN
15 THE WEST LINE OF SAID 177-1/2 ACRE TRACT AT THE NORTHEAST CORNER OF
16 SAID 173.93 ACRE TRACT SAME BEING THE COMMON SOUTHEAST CORNER OF
17 SAID 174.14 ACRE TRACT;
18 THENCE NORTH 00 DEGREES 12 MINUTES 29 SECONDS EAST, A DISTANCE OF
19 153.04 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET IN
20 THE EAST LINE OF SAID 174.14 ACRE TRACT AT THE NORTHWEST CORNER OF
21 SAID 177-1/2 ACRE TRACT, AND BEING THE COMMON SOUTHWEST CORNER OF
22 THE RK & RK INVESTMENTS, INC. CALLED 79 ACRE TRACT RECORDED IN
23 INSTRUMENT NUMBER 2018-99798 (D.R.D.C.T.);
24 THENCE SOUTH 89 DEGREES 47 MINUTES 31 SECONDS EAST, A DISTANCE OF
25 1793.00 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF
26 SAID 79 ACRE TRACT, SAME BEING THE COMMON NORTHEAST CORNER OF SAID
27 177-1/2 ACRE TRACT, THE COMMON NORTHWEST CORNER OF SAID 105.888

1 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID 70.892 ACRE
2 TRACT;
3 THENCE NORTH 00 DEGREES 11 MINUTES 14 SECONDS EAST ALONG THE WEST
4 LINE OF SAID 70.892 ACRE TRACT AND THE COMMON EAST LINE OF SAID 79
5 ACRE TRACT, A DISTANCE OF 1670.02 FEET TO A A 1/2" IRON ROD WITH CAP
6 STAMPED "ONEAL 6570" SET AT THE SOUTHWEST CORNER OF A CALLED 4.4425
7 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, RECORDED IN
8 INSTRUMENT NUMBER 2008-33229, (D.R.D.C.T.), AND BEING THE SOUTH
9 RIGHT-OF-WAY LINE OF US HIGHWAY 380;
10 THENCE SOUTH 87 DEGREES 16 MINUTES 24 SECONDS EAST, ALONG THE SOUTH
11 RIGHT-OF-WAY LINE, A DISTANCE OF 1798.32 FEET TO A PK NAIL SET AT
12 THE SOUTHEAST CORNER OF SAID 4.4425 ACRE TRACT AND BEING IN THE EAST
13 LINE OF SAID 70.892 ACRE TRACT, AND BEING WITHIN GEORGE OWENS ROAD.
14 THENCE SOUTH 00 DEGREES 58 MINUTES 08 SECONDS WEST, ALONG THE EAST
15 LINE OF SAID 70.892 ACRE TRACT, A DISTANCE OF 1592.60 FEET TO 1/2"
16 IRON ROD WITH YELLOW CAP STAMPED "METROPLEX 1849" FOUND AT THE
17 SOUTHEAST CORNER OF SAID 70.892 ACRE TRACT, AND BEING INN THE NORTH
18 LINE OF SAID 105.888 ACRE TRACT;
19 THENCE SOUTH 89 DEGREES 44 MINUTES 46 SECONDS EAST, ALONG THE NORTH
20 LINE OF SAID 105.888 ACRE TRACT, A DISTANCE OF 19.16 FEET TO A 1/2"
21 IRON ROD WITH CAP STAMPED "ONEAL 6570" SET IN THE APPROXIMATE
22 CENTERLINE OF SAID GEORGE OWENS ROAD, SAME BEING THE WEST LINE OF
23 THE FONDER PROPERTIES, LLC CALLED 104.290 ACRE TRACT RECORDED IN
24 INSTRUMENT NUMBER 12243 (D.R.D.C.T.) AND BEING AT THE NORTHEAST
25 CORNER OF SAID 105.888 ACRE TRACT;
26 THENCE SOUTH 00 DEGREES 14 MINUTES 19 SECONDS WEST ALONG THE EAST
27 LINE OF SAID 105.888 ACRE TRACT SAME BEING THE COMMON WEST LINE OF

1 SAID 104.290 ACRE TRACT AND THE COMMON WEST LINE OF THE JOE B.
2 TINDLE AND WIFE ORLAN TINDLE CALLED 272.67 ACRE TRACT RECORDED IN
3 VOLUME 616, PAGE 338, (D.R.D.C.T.), A DISTANCE OF 3075.71 FEET TO A
4 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID 105.888 ACRE
5 TRACT SAME BEING THE COMMON NORTHEAST CORNER OF THE SAID 52.437 ACRE
6 TRACT;
7 THENCE SOUTH 00 DEGREES 13 MINUTES 28 SECONDS WEST, CONTINUING
8 ALONG THE EAST LINE OF SAID 52.437 ACRE TRACT AND THE COMMON WEST
9 LINE OF SAID 272.67 ACRE TRACT, A DISTANCE OF 1274.32 FEET TO THE
10 POINT OF BEGINNING AND CONTAINING 599.392 ACRES OF LAND, MORE OF
11 LESS BEARINGS RECITED HEREIN ARE BASED UPON THE TEXAS COORDINATE
12 SYSTEM OF 1983 (2011), NORTH CENTRAL ZONE (4202).

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

20 (b) The governor, one of the required recipients, has
21 submitted the notice and Act to the Texas Commission on
22 Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor,
25 lieutenant governor, and speaker of the house of representatives
26 within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act have been
3 fulfilled and accomplished.

4 SECTION 4. (a) Section 4000.0312, Special District Local
5 Laws Code, as added by Section 1 of this Act, takes effect only if
6 this Act receives a two-thirds vote of all the members elected to
7 each house.

8 (b) If this Act does not receive a two-thirds vote of all the
9 members elected to each house, Subchapter C, Chapter 4000, Special
10 District Local Laws Code, as added by Section 1 of this Act, is
11 amended by adding Section 4000.0312 to read as follows:

12 Sec. 4000.0312. NO EMINENT DOMAIN POWER. The district may
13 not exercise the power of eminent domain.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 25, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5376 by Stucky (Relating to the creation of the Tabor Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

The fiscal implications of the bill to the district cannot be determined due to the circumstances relating to the district's exercise of eminent domain power, issuance of bonds, or imposition of assessments, fees, and taxes being unknown. No fiscal implication to other units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, SD, AF, NTh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 21, 2023

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5376 by Stucky (relating to the creation of the Tabor Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

The fiscal implications of the bill to the district cannot be determined due to the circumstances relating to the district's exercise of eminent domain power, issuance of bonds, or imposition of assessments, fees, and taxes being unknown. No fiscal implication to other units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, NTh

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 17, 2023

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5376 by Stucky (Relating to the creation of the Tabor Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

The fiscal implications of the bill to the district cannot be determined due to the circumstances relating to the district's exercise of eminent domain power, issuance of bonds, or imposition of assessments, fees, and taxes being unknown. No fiscal implication to other units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, NTh

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 28, 2023

TO: Honorable J. M. Lozano, Chair, House Committee on Urban Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5376 by Stucky (Relating to the creation of the Tabor Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

The fiscal implications of the bill to the district cannot be determined due to the circumstances relating to the district's exercise of eminent domain power, issuance of bonds, or imposition of assessments, fees, and taxes being unknown. No fiscal implication to other units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, NTh