

By: Gates

H.B. No. 5661

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 286; 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 8017A to read as follows:

CHAPTER 8017A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT

NO. 286

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8017A.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Rosenberg, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the Fort Bend County Municipal Utility District No. 286.

Sec. 8017A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8017A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five permanent
2 directors as provided by Section 49.102, Water Code.

3 Sec. 8017A.0104. CONSENT OF MUNICIPALITY AND DEVELOPMENT
4 AGREEMENT REQUIRED. (a) The temporary directors may not hold an
5 election under Section 8017A.0103 or to authorize the issuance of
6 bonds until:

7 (1) the governing body of the city by ordinance or
8 resolution consents to the creation of the district and to the
9 inclusion of land in the district; and

10 (2) the district, the city, and the owner or owners of
11 a majority of the assessed value of real property in the district
12 negotiate and execute a mutually approved and accepted development
13 and operating agreement, including any limitations imposed by the
14 city.

15 (b) The city's consent under Subsection (a) must be granted
16 in the manner provided by Section 54.016, Water Code, for including
17 land within the corporate limits or extraterritorial jurisdiction
18 of a city.

19 Sec. 8017A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

1 Sec. 8017A.0106. INITIAL DISTRICT TERRITORY. (a) The
2 district is initially composed of the territory described by
3 Section 2 of the Act enacting this chapter.

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

8 (1) organization, existence, or validity;

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

12 (3) right to impose a tax; or

13 (4) legality or operation.

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8017A.0201. GOVERNING BODY; TERMS. (a) The district
16 is governed by a board of five elected directors.

17 (b) Except as provided by Section 8017A.0202, directors
18 serve staggered four-year terms.

19 Sec. 8017A.0202. TEMPORARY DIRECTORS. (a) On or after the
20 effective date of the Act enacting this chapter, the owner or owners
21 of a majority of the assessed value of the real property in the
22 district may submit a petition to the commission requesting that
23 the commission appoint as temporary directors the five persons
24 named in the petition. The commission shall appoint as temporary
25 directors the five persons named in the petition.

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

27 (1) the date permanent directors are elected under

1 Section 8017A.0103; or

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

4 (c) If permanent directors have not been elected under
5 Section 8017A.0103 and the terms of the temporary directors have
6 expired, successor temporary directors shall be appointed or
7 reappointed as provided by Subsection (d) to serve terms that
8 expire on the earlier of:

9 (1) the date permanent directors are elected under
10 Section 8017A.0103; or

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

13 (d) If Subsection (c) applies, the owner or owners of a
14 majority of the assessed value of the real property in the district
15 may submit a petition to the commission requesting that the
16 commission appoint as successor temporary directors the five
17 persons named in the petition. The commission shall appoint as
18 successor temporary directors the five persons named in the
19 petition.

20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 8017A.0301. GENERAL POWERS AND DUTIES. The district
22 has the powers and duties necessary to accomplish the purposes for
23 which the district is created.

24 Sec. 8017A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
25 DUTIES. The district has the powers and duties provided by the
26 general law of this state, including Section 52, Article III, Texas
27 Constitution, and Chapters 49 and 54, Water Code, applicable to

1 municipal utility districts created under Section 59, Article XVI,
2 Texas Constitution.

3 Sec. 8017A.0303. AUTHORITY FOR ROAD PROJECTS. Under
4 Section 52, Article III, Texas Constitution, the district may
5 design, acquire, construct, finance, issue bonds for, improve,
6 operate, maintain, and convey to this state, a county, or a
7 municipality for operation and maintenance macadamized, graveled,
8 or paved roads, or improvements, including storm drainage, in aid
9 of those roads.

10 Sec. 8017A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
11 road project must meet all applicable construction standards,
12 zoning and subdivision requirements, and regulations of each
13 municipality in whose corporate limits or extraterritorial
14 jurisdiction the road project is located.

15 (b) If a road project is not located in the corporate limits
16 or extraterritorial jurisdiction of a municipality, the road
17 project must meet all applicable construction standards,
18 subdivision requirements, and regulations of each county in which
19 the road project is located.

20 (c) If the state will maintain and operate the road, the
21 Texas Transportation Commission must approve the plans and
22 specifications of the road project.

23 Sec. 8017A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
24 ORDINANCE OR RESOLUTION. The district shall comply with all
25 applicable requirements of any ordinance or resolution that is
26 adopted under Section 54.016 or 54.0165, Water Code, and that
27 consents to the creation of the district or to the inclusion of land

1 in the district.

2 Sec. 8017A.0306. PUBLIC INFORMATION. (a) The district
3 shall maintain an Internet website.

4 (b) The board shall make available on the district's
5 Internet website the information required under Section 26.18, Tax
6 Code.

7 Sec. 8017A.0307. DIVISION OF DISTRICT. This chapter
8 applies to any new district created by the division of the district
9 under Section 49.316, Water Code, and a new district has all the
10 powers and duties of the district.

11 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

12 Sec. 8017A.0401. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. The district may issue bonds or other obligations
14 payable wholly or partly from ad valorem taxes, impact fees,
15 revenue, contract payments, grants, or other district money, or any
16 combination of those sources, to pay for any authorized district
17 purpose.

18 Sec. 8017A.0402. TAXES FOR BONDS. At the time the district
19 issues bonds payable wholly or partly from ad valorem taxes, the
20 board shall provide for the annual imposition of a continuing
21 direct ad valorem tax, without limit as to rate or amount, while all
22 or part of the bonds are outstanding as required and in the manner
23 provided by Sections 54.601 and 54.602, Water Code.

24 SECTION 2. The Fort Bend County Municipal Utility District
25 No. 286 initially includes all the territory contained in the
26 following area:

27 BEING a 73.4011 acres (3,197,353 square feet) tract of land

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1 situated in the H.&T.C. RR Co. Survey, Abstract No. 208 of Fort Bend
2 County, Texas and being out of the Remainder of a called 47.72 acre
3 tract of land described in an instrument to James White recorded
4 under Clerks File Number (C.F.N.) 9715442 of the Official Public
5 Records of Fort Bend County, Texas (O.P.R. F.B.C.T.), a called
6 0.1178 acre tract of land described in an instrument to said James
7 A. White, recorded under C.F.N. 9700199 O.P.R. F.B.C.T., a called
8 0.2966 acre tract of land as described in an instrument to said
9 James A. White, recorded under C.F.N. 9700199 O.P.R. F.B.C.T. and
10 all of a called 26.54 acre tract of land described in an instrument
11 to James White recorded under C.F.N. 9715443 of the O.P.R.
12 F.B.C.T., said 73.4011-acre tract of land described by metes and
13 bounds as follows:

14 BEGINNING at a 1/2 inch iron pipe found lying in the northeast line
15 of a called 16.511 acre tract of land as described in an instrument
16 to Christian James Garcia, recorded under C.F.N. 2012033682 of the
17 O.P.R. F.B.C.T., being the south corner of a called 79.5635 acre
18 tract of land as described in an instrument to SSG BG Blaze,
19 recorded under C.F.N. 2024096062 of the O.P.R. F.B.C.T., also being
20 the west corner of said 47.72 acre tract and the herein described
21 tract;

22 THENCE North 41°49'49" East, along the northwest line of said 47.72
23 acre tract, passing at a distance of 1,313.93 feet a 5/8 inch iron
24 rod found, marking the east corner of said 79.5635 acre tract, also
25 being the south corner of a called 3.492 acre tract of land as
26 described in an instrument to Zachary Whitt and Cally Whitt,
27 recorded under C.F.N. 2024002637 of the O.P.R. F.B.C.T., passing at

1 a distance of 2,092.17 feet to a 5/8 inch iron rod with cap found,
2 marking the east corner of said 3.492 acre tract, passing at a
3 distance of 2223.79 feet a 5/8 inch iron rod found and continuing
4 for a total distance of 2256.00 feet to a 5/8 inch iron rod with cap
5 stamped "Fulcrum Land Surveying" set in the southeast right-of-way
6 (R.O.W.) line of Twin Lane, R.O.W. varies, marking the common
7 corner of the said 0.2966 acre tract and a called 4.3953 acre tract
8 of land as described in an instrument to Darren S. Schmidt and
9 Cynthia K. Schmidt, recorded under C.F.N. 2017046712 of the O.P.R.
10 F.B.C.T., and most northerly corner of the herein described tract;
11 THENCE South 27°15'33" East, along and with the west line of said
12 4.3953 acres tract and called 8.6315 acre tract of land as described
13 in an instrument to Fred E. Bradley and wife, Kathryn A. Bradley,
14 recorded under C.F.N. 9821510 of the O.P.R. F.B.C.T., a distance of
15 1059.57 feet to a 5/8 inch iron rod found in the north line of a
16 called 71.010 acre tract of land as described in an instrument to
17 Rosenberger Farm & Ranch Holding, LP, recorded under C.F.N.
18 2013021671 of the O.P.R. F.B.C.T., marking the south corner of said
19 8.6315 acre tract, also being an external corner of the herein
20 described tract;
21 THENCE South 41°59'00" West, along and with said northwest line of
22 said 71.010 acre tract, a distance of 1178.56 feet to a 5/8 inch
23 iron rod with cap found, marking the west corner of said 71.010 acre
24 tract, also being the north corner of said 26.54 acre tract and an
25 internal corner of the herein described tract;
26 THENCE South 48°09'52" East, along and with the southwest line of
27 said 71.010 acre tract, passing at a distance of 1,620.22 feet a 5/8

1 inch iron rod found in the north R.O.W. line of Kunz Road, 60'
2 R.O.W. and continuing for a total distance of 1652.83 feet to a
3 point for corner in the centerline of said Kunz Road, marking the
4 east corner of said 26.54 acre tract and the herein descried tract;
5 THENCE South 41°58'39" West, along and with said centerline, a
6 distance of 699.57 feet to a point for corner, marking the east
7 corner of a called 4.0000 acre tract of land as described in an
8 instrument to Brain K. Rohrer and Amanda E. Rohrer, recorded under
9 C.F.N. 2017131847 of the O.P.R. F.B.C.T., also being the south
10 corner of said 26.54 acre tract and the herein descried tract;
11 THENCE North 48°09'37" West, along and with the northeast line of
12 said 4.0000 acre tract, a called 49.504 acre tract of land as
13 described in an instrument to Rosenberg Cottonwood Farms, LLC,
14 recorded under C.F.N. 2015045629 of the O.P.R. F.B.C.T., a called
15 16.515 acre tract of land as described in an instrument to Elizabeth
16 Vogelsang Roehe, recorded under C.F.N. 2002005405 of the O.P.R.
17 F.B.C.T., a called 16.513 acre tract of land as described in an
18 instrument to Paul George Vogelsang III, recorded under C.F.N.
19 2002005403 of the O.P.R. F.B.C.T., and a called 16.511 acre tract of
20 land as described in an instrument to David Waddell Vogelsang
21 Trust, recorded under C.F.N. 2012033682 of the O.P.R. F.B.C.T.,
22 passing a distance of 30.00 feet to a 1/2 inch iron pipe found
23 marking the apparent north R.O.W. line of said Kunz Road, passing a
24 distance of 1652.73 feet to a 1/2 inch iron pipe found, marking the
25 common corner of said 26.54 acre tract and said 47.72 acre tract,
26 also being an angle point of the herein described tract, passing a
27 distance of 1981.57 feet to a 5/8 inch iron rod with cap found,

1 marking the common corner of said 49.504 acre tract and 16.515 acre
2 tract, continuing for a total distance of 2637.67 feet to the POINT
3 OF BEGINNING and containing a computed 73.4011 acres (3,197,353
4 square feet) of land.

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

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

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

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

23 SECTION 4. (a) If this Act does not receive a two-thirds
24 vote of all the members elected to each house, Subchapter C, Chapter
25 8017A, Special District Local Laws Code, as added by Section 1 of
26 this Act, is amended by adding Section 8017A.0308 to read as
27 follows:

1 Sec. 8017A.0308. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

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

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2025.