

By: Kitzman

H.B. No. 5665

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 70; 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 8019A to read as follows:

CHAPTER 8019A. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 70

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8019A.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Waller County Municipal Utility District No. 70.

Sec. 8019A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8019A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 8019A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8019A.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district as required by
7 applicable law.

8 Sec. 8019A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

17 Sec. 8019A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8019A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 8019A.0202, directors
7 serve staggered four-year terms.

8 Sec. 8019A.0202. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) Lisa Angell;

11 (2) Josh Bouquet;

12 (3) Tyler Nunez;

13 (4) Steven Tennis; and

14 (5) Courtney Wilcox.

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

16 (1) the date permanent directors are elected under
17 Section 8019A.0103; or

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

20 (c) If permanent directors have not been elected under
21 Section 8019A.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 8019A.0103; or

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

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8019A.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8019A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8019A.0303. AUTHORITY FOR ROAD PROJECTS. Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve,
21 operate, maintain, and convey to this state, a county, or a
22 municipality for operation and maintenance macadamized, graveled,
23 or paved roads, or improvements, including storm drainage, in aid
24 of those roads.

25 Sec. 8019A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 zoning and subdivision requirements, and regulations of each

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

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

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

Sec. 8019A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8019A.0306. DIVISION OF DISTRICT. This chapter applies to any new district created by the division of the district under Section 49.316, Water Code, and a new district has all the powers and duties of the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8019A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 8019A.0403.

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

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

9 Sec. 8019A.0402. OPERATION AND MAINTENANCE TAX. (a) If
10 authorized at an election held under Section 8019A.0401, the
11 district may impose an operation and maintenance tax on taxable
12 property in the district in accordance with Section 49.107, Water
13 Code.

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

16 Sec. 8019A.0403. CONTRACT TAXES. (a) In accordance with
17 Section 49.108, Water Code, the district may impose a tax other than
18 an operation and maintenance tax and use the revenue derived from
19 the tax to make payments under a contract after the provisions of
20 the contract have been approved by a majority of the district voters
21 voting at an election held for that purpose.

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

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26 Sec. 8019A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
27 OBLIGATIONS. The district may issue bonds or other obligations

1 payable wholly or partly from ad valorem taxes, impact fees,
2 revenue, contract payments, grants, or other district money, or any
3 combination of those sources, to pay for any authorized district
4 purpose.

5 Sec. 8019A.0502. TAXES FOR BONDS. At the time the district
6 issues bonds payable wholly or partly from ad valorem taxes, the
7 board shall provide for the annual imposition of a continuing
8 direct ad valorem tax, without limit as to rate or amount, while all
9 or part of the bonds are outstanding as required and in the manner
10 provided by Sections [54.601](#) and [54.602](#), Water Code.

11 Sec. 8019A.0503. BONDS FOR ROAD PROJECTS. At the time of
12 issuance, the total principal amount of bonds or other obligations
13 issued or incurred to finance road projects and payable from ad
14 valorem taxes may not exceed one-fourth of the assessed value of the
15 real property in the district.

16 SECTION 2. The Waller County Municipal Utility District
17 No. 70 initially includes all the territory contained in the
18 following area:

19 FIELD NOTES FOR A 209.7636 ACRE TRACT OF LAND OUT OF A
20 253.5235 ACRE TRACT OF LAND CONTAINING A 26.3883 ACRE TRACT
21 (RESIDUE OF TRACT 2 BEING CALLED 126.655 ACRES IN VOLUME 880, PAGE
22 482 OFFICIAL PUBLIC RECORDS) & A 27.1352 ACRE TRACT OF LAND BEING
23 MADE UP OF A 126.640 ACRE TRACT (CALLED TRACT 1 IN VOLUME 880, PAGE
24 482 OFFICIAL PUBLIC RECORDS) AND A PORTION OF THE 126.655 ACRE TRACT
25 (CALLED TRACT 2 IN VOLUME 880, PAGE 482 OFFICIAL PUBLIC RECORDS)
26 BEING LOCATED IN THE ISAAC DONOHO SURVEY, ABSTRACT 121 AND THE JAMES
27 BAKER SURVEY, ABSTRACT 11, WALLER COUNTY, TEXAS.

1 BEGINNING: At a 1/2 inch iron rod found in the East
2 right-of-way line of Blumberg Road (80 foot width as fenced) for the
3 Northwest corner of both the herein described tract and of the above
4 called Tract 1, said point being the Southwest corner of a 5.000
5 acre tract (Volume 1379, Page 546 Official Public Records);

6 THENCE: North 86 ° 53' 00" East with the North line of the
7 herein described tract and the South line of the 5.000 acre tract
8 and the South line of the residue of a 30.000 acre tract (Volume
9 562, Page 921 Official Public Records) passing 2 streams at a
10 distance of 3085.14 feet passing a 1/2 inch iron rod found for
11 reference and continuing on for a total distance of 3185 .14 feet to
12 a point in the center line of Clear Creek for the Northeast corner
13 of the herein described tract and the Southeast corner of the
14 residue of the 30.000 acre tract;

15 THENCE: With the center line of Clear Creek for the East line
16 of the herein described tract the following:

17 South 05 ° 28' 17" East a distance of 44.69 feet to a point;
18 South 57 ° 31' 10" West a distance of 84.62 feet to a point;
19 South 49 ° 14' 55" West a distance of 107.95 feet to a point;
20 South 05 ° 19' 51" East a distance of 139 .80 feet to a point;
21 South 53 ° 56' 03" East a distance of 213.96 feet to a point;
22 South 04 ° 42' 16" West a distance of 102.65 feet to a point;
23 South 75 ° 35' 31" West a distance of 134.71 feet to a point;
24 South 82 ° 11' 12" West a distance of 146.83 feet to a point;
25 South 15 ° 25' 09" West a distance of 178.19 feet to a point;
26 South 77 ° 12' 16" West a distance of 284.71 feet to a point;
27 South 14 ° 32' 02" West a distance of 186.43 feet to a point;

1 South 07 ° 51' 23" West a distance of 291.98 feet to a point;
2 South 21 ° 43' 27" East a distance of 280.63 feet to a point;
3 South 76 ° 34' 55" East a distance of 131.62 feet to a point;
4 South 05 ° 17' 05" West a distance of 148.32 feet to a point;
5 South 64 ° 13' 49" West a distance of 95.23 feet to a point;
6 South 08 ° 46' 16" East a distance of 290.01 feet to a point;
7 North 83 ° 17' 03" West a distance of 94.83 feet to a point;
8 South 51 ° 09' 45" West a distance of 48.57 feet to a point;
9 South 22 ° 38' 08 11 East a distance of 82.86 feet to a point;
10 South 47 ° 06' 35" West a distance of 174.53 feet to a point;
11 South 70 ° 26' 44 11 West a distance of 323.06 feet to a point;
12 South 03 ° 25' 46 11 East a distance of 104.56 feet to a point;
13 South 73 ° 58' 49 11 West a distance of 82.53 feet to a point;
14 South 10 ° 00' 14" West a distance of 149.56 feet to a point;
15 South 31 ° 36' 1 8 11 West a distance of 134.30 feet to a point;
16 South 30 ° 42' 52 11 East a distance of 193.08 feet to a point;
17 South 68 ° 06' 52 11 West a distance of 232.04 feet to a point;
18 South 14 ° 49' 27" West a distance of 232.91 feet to a point;
19 South 05 ° 27' 43 11 East a distance of 223.66 feet to a point;
20 South 23 ° 20' 42" West a distance of 108.18 feet to a point;
21 South 09 ° 19' 58 11 East a distance of 220.50 feet to a point;
22 South 83 ° 24' 4 3" East a distance of 129. 70 feet to a point;
23 South 10 ° 4 7' 06" East a distance of 212.48 feet to a point
24 for the Southeast corner of the herein described tract and a
25 Northeast corner of a called 148.446 acre tract (Volume 569 , Page
26 202 Official Public Records);
27 THENCE: South 86 ° 03' 40" West at a distance of 100.00 feet

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1 passing a 1/2 inch iron rod found for reference, continuing on for a
2 total distance of 1552.29 feet to a 30 inch tree found being the
3 called deed corner of the 148.446 acre tract for a Southwest corner
4 of the herein described tract, from said point a concrete monument
5 found bears South 87 ° 42' 40 11 West a distance of 8.58 feet;

6 THENCE: North 03 ° 33' 20" West a distance of 1155.65 feet with
7 the common line of this tract and the 148.446 acre tract to a
8 concrete monument found for a Northeast corner of the 148.446 acre
9 tract and an angle point for a West line of the herein described
10 tract and being the Southeast corner of the residue of the above
11 253.5235 acre tract;

12 THENCE: North 03 ° 20' 21 11 West a distance of 134.02 feet
13 with the West line of the Donoho Survey, Abstract 121 and the East
14 line of the Baker Survey, Abstract 11, to a 1/2 inch iron rod set for
15 an interior corner of this tract;

16 THENCE: North 16 ° 34' 51" West a distance of 1227.60 feet to
17 a 1/2 inch iron rod set for an interior corner of this tract and the
18 Northeast corner of the residue of the above 253.5235 acre tract;

19 THENCE: With the common line of this tract and the residue of
20 the above 253.5235 acre tract the following:

21 With a curve to the right having a radius of 696.00 feet, a
22 length of 344.41 feet with a chord bearing of North 72 ° 20' 50" West
23 a distance of 340.91 feet to a 1/2 inch iron rod set at the end of
24 said curve;

25 North 58° 10' 16" West a distance of 247.63 feet to a 1/2 inch
26 iron rod set at the beginning of a curve to the left;

27 With a curve to the left having a radius of 9.00 feet, a

1 length of 13.92 feet with a chord bearing of South 77° 30' 31" West
2 with a distance of 12.58 feet to a 1/2 inch iron rod set at the end of
3 said curve;

4 North 57° 41' 35" West a distance of 16.00 feet to a 1/2 inch
5 iron rod set in the East line of Blumberg Road for the Westernmost
6 Southwest corner of the herein described tract and the Northwest
7 corner of the residue of the above 253.5235 acre tract;

8 THENCE: With the Southeast line of Blumberg Road and the West
9 line of the herein described tract the following:

10 North 33° 11' 18" East a distance of 125.07 feet to a 1/2 inch
11 iron rod found;

12 With a curve to the left having a radius of 2730.26 feet, a
13 length of 697.42 feet with a chord bearing of North 25° 32' 07" East
14 and a distance of 695.53 feet to a 1/2 inch iron rod found;

15 North 18° 31' 13" East a distance of 530.28 feet to the PLACE
16 OF BEGINNING and containing 209.7636 acres of land.

17 All bearings recited hereon are based GPS observation, Texas
18 South-Central Zone.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

10 SECTION 4. (a) If this Act does not receive a two-thirds
11 vote of all the members elected to each house, Subchapter C, Chapter
12 8019A, Special District Local Laws Code, as added by Section 1 of
13 this Act, is amended by adding Section 8019A.0307 to read as
14 follows:

15 Sec. 8019A.0307. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

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

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