

By: Geren

H.B. No. 5679

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Hills of Walnut Creek Municipal Utility District of Parker County; 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 7897 to read as follows:

CHAPTER 7897. HILLS OF WALNUT CREEK MUNICIPAL UTILITY DISTRICT OF PARKER COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7897.0101. 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 Hills of Walnut Creek Municipal Utility District of Parker County.

Sec. 7897.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7897.0103. 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.

Sec. 7897.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7897.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district as required by applicable law.

Sec. 7897.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

Sec. 7897.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and

interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7897.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7897.0202, directors serve staggered four-year terms.

Sec. 7897.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7897.0103; or

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

(c) If permanent directors have not been elected under Section 7897.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7897.0103; or

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

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

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 7897.0301. GENERAL POWERS AND DUTIES. The district
12 has the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 7897.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 7897.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
20 52, Article III, Texas Constitution, the district may design,
21 acquire, construct, finance, issue bonds for, improve, operate,
22 maintain, and convey to this state, a county, or a municipality for
23 operation and maintenance macadamized, graveled, or paved roads, or
24 improvements, including storm drainage, in aid of those roads.

25 Sec. 7897.0304. 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. 7897.0305. 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. 7897.0306. 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. 7897.0401. 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 7897.0403.

(b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2 before the district may impose an ad valorem tax or issue bonds
3 payable from ad valorem taxes.

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

8 Sec. 7897.0402. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized at an election held under Section 7897.0401, the
10 district may impose an operation and maintenance tax on taxable
11 property in the district in accordance with Section 49.107, Water
12 Code.

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

15 Sec. 7897.0403. CONTRACT TAXES. (a) In accordance with
16 Section 49.108, Water Code, the district may impose a tax other than
17 an operation and maintenance tax and use the revenue derived from
18 the tax to make payments under a contract after the provisions of
19 the contract have been approved by a majority of the district voters
20 voting at an election held for that purpose.

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

24 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

25 Sec. 7897.0501. AUTHORITY TO ISSUE BONDS AND OTHER
26 OBLIGATIONS. The district may issue bonds or other obligations
27 payable wholly or partly from ad valorem taxes, impact fees,

1 revenue, contract payments, grants, or other district money, or any
2 combination of those sources, to pay for any authorized district
3 purpose.

4 Sec. 7897.0502. TAXES FOR BONDS. At the time the district
5 issues bonds payable wholly or partly from ad valorem taxes, the
6 board shall provide for the annual imposition of a continuing
7 direct ad valorem tax, without limit as to rate or amount, while all
8 or part of the bonds are outstanding as required and in the manner
9 provided by Sections 54.601 and 54.602, Water Code.

10 Sec. 7897.0503. BONDS FOR ROAD PROJECTS. At the time of
11 issuance, the total principal amount of bonds or other obligations
12 issued or incurred to finance road projects and payable from ad
13 valorem taxes may not exceed one-fourth of the assessed value of the
14 real property in the district.

15 SECTION 2. The Hills of Walnut Creek Municipal Utility
16 District of Parker County initially includes all the territory
17 contained in the following area:

18 BEING a tract of land situated in the G. Clifton Survey, Abstract
19 Number 1942, the T. & P. Railroad Company Survey, Abstract Number
20 1421, the W. Hall Survey, Abstract Number 2123, the R. Wright
21 Survey, Abstract Number 1636, the C. Gildon Survey, Abstract Number
22 523, the J. Wimbley Survey, Abstract Number 1612, and the T. & P.
23 Railroad Company Survey, Abstract Number 1377, Parker County,
24 Texas, being a portion of that tract of land described by deed to
25 MITX, LTD., Wells Reno Investors, LTD., and White Reno Investors,
26 LTD., recorded in Volume 2154, Page 1607, County Records, Parker
27 County, Texas, and being more particularly described by metes and

1 bounds as follows:

2 BEGINNING at the most westerly southwest corner of said MITX,
3 Wells, and White tract, the northwest corner of that tract of land
4 described by deed to Jesus R. Medina, et ux., recorded in Volume
5 2476, Page 1703, said County Records, and the east right-of-way
6 line of S. Reno Road (F.M. 1542, a variable width right-of-way);

7 THENCE N 00°16'43"E, 1314.90 feet, to the most westerly northwest
8 corner of said MITX, Wells, and White tract;

9 THENCE N 89°44'15"E, 1425.34 feet, to the southeast corner of that
10 tract of land described by deed to Barney and Shirley Stanford,
11 recorded in Volume 1155, Page 225 and the southwest corner of that
12 tract of land described by deed to Georgie Ann Morrow, recorded in
13 Instrument Number 201401446, both of said County Records;

14 THENCE N 89°18'15"E, 2101.36 feet, to the southeast corner of said
15 Georgie Morrow tract and the southwest corner of that tract of land
16 described by deed to Johnny F. Morrow, recorded in Volume 1720, Page
17 1798, said County Records;

18 THENCE N 89°45'38"E, 1692.96 feet, to the southeast corner of said
19 Johnny Morrow tract and an "ell" corner in the north line of said
20 MITX, Wells, and White tract;

21 THENCE N 00°13'36"W, 2251.38 feet, with the east line of said Johnny
22 Morrow tract and the approximate centerline of Walnut Creek;

23 THENCE with said centerline, the following bearings and distances:

24 S 47°38'48"E, 471.49 feet;

25 S 58°04'22"E, 155.77 feet;

26 S 66°39'46"E, 575.57 feet;

27 S 76°47'59"E, 160.75 feet;

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1 N 85°32'30"E, 458.61 feet;
2 N 89°02'03"E, 199.40 feet;
3 S 76°13'41"E, 149.22 feet;
4 S 46°16'57"E, 152.45 feet;
5 S 25°11'46"E, 264.45 feet;
6 S 61°54'17"E, 236.98 feet;
7 S 80°32'04"E, 318.93 feet;
8 S 51°50'03"E, 470.97 feet;
9 N 83°46'19"E, 235.80 feet;
10 S 83°31'07"E, 206.49 feet;
11 S 88°41'18"E, 339.09 feet;
12 S 66°11'45"E, 321.05 feet, to the northeast corner of said
13 MITX, Wells, and White tract and the west line of that tract
14 of land described by deed to Charles and Carolyn Sonnenburg,
15 recorded in Volume 1002, Page 163, said County Records;
16 THENCE with the east line of said MITX, Wells, and White tract, the
17 following bearings and distances:
18 S 00°10'25"E, 2058.07 feet, to the southwest corner of that
19 tract of land described by deed to Jose J. Clemente, recorded
20 in Instrument Number 201711878, all of said County
21 Records;
22 S 00°18'39"E, 1192.13 feet, to the most easterly southeast
23 corner of said MITX, Wells, and White tract;
24 S 89°27'00"W, 1519.03 feet, to an "ell" corner in said east
25 line and the northwest corner of Lot 1, Jackson Trail
26 Estates, an addition to Parker County, Texas, by plat
27 recorded in Volume 363-A, Page 33, said County Records;

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1 THENCE S 89°41'12"W, 2649.54 feet, over and across said MITX, Wells,
2 and White tract;

3 THENCE S 00°57'03"E, 901.92 feet, continuing over and across said
4 MITX, Wells, and White tract, to an "ell" corner in the west line of
5 said MITX, Wells, and White tract and the northeast corner of Lot 1
6 Pearson Crossing, an addition to Parker County, Texas, by plat
7 recorded in Cabinet B, Slide 548, said County Records;

8 THENCE with said west line, the following bearings and distances:

9 S 89°37'15"W, 1324.85 feet, to the northwest corner of Lot 7,
10 said Pearson Crossing and the northeast corner of that tract
11 of land described by deed to Everardo D. Ramirez, LLC,
12 recorded in Instrument Number 202042879, said County
13 Records;

14 S 89°51'18"W, 670.75 feet, to the northwest corner of that
15 tract of land described by deed to RBBR Enterprises, Inc.,
16 recorded in Instrument Number 201703769 and the east line of
17 that tract of land described by deed to Terry Lee and Eva Joan
18 Benton, recorded in Volume 1775, Page 1572, both of said
19 County Records;

20 N 00°16'37"W, 901.42 feet, to the northeast corner of said
21 Benton tract;

22 N 89°29'00"W, 624.44 feet, to the southeast corner of that
23 tract of land described by deed to Clyda Sue Johnson,
24 recorded in Instrument Number 202012870, said County
25 Records;

26 N 00°38'10"W, 1314.40 feet, to the northeast corner of said
27 Johnson tract;

1 THENCE S 89°08'05"W, 2593.70 feet, to the Point of Beginning and
2 containing 28,443,549 square feet or 652.974 acres of land more or
3 less.

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

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

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

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

22 SECTION 4. (a) If this Act does not receive a two-thirds
23 vote of all the members elected to each house, Subchapter C, Chapter
24 7897, Special District Local Laws Code, as added by Section 1 of
25 this Act, is amended by adding Section 7897.0307 to read as follows:

26 Sec. 7897.0307. NO EMINENT DOMAIN POWER. The district may
27 not exercise the power of eminent domain.

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

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