CHAPTER 387

H.B. No. 1599

AN ACT
relating to the creation of the Waller County Municipal Utility District No. 15; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8346 to read as follows:

CHAPTER 8346. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 15

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8346.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Director" means a board member.
(3) "District" means the Waller County Municipal Utility District No. 15.

Sec. 8346.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8346.003. CONFIRMATION AND DIRECTORS' 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. 8346.004. 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, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8346.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.
(b) The boundaries and field notes contained in Section 2 of the Act creating 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.

[Sections 8346.006–8346.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8346.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.
(b) Except as provided by Section 8346.052, directors serve staggered four-year terms.

Sec. 8346.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating 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 Texas Commission on Environmental Quality 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 8346.003; or
(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8346.003 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 8346.003; or
(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, 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 successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8346.053-8346.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8346.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8346.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8346.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8346.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8346.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or
(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8346.105. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8346.103; or
(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8346.106-8346.150 reserved for expansion]
Sec. 8346.151. 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 8346.153.

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

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

Sec. 8346.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8346.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 19.107, Water Code.

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

Sec. 8346.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

[Sections 8346.154-8346.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8346.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8346.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8346.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Waller County Municipal Utility District No. 15 initially includes all the territory contained in the following area:

Being 564.883 acres of land located in the Randolph Foster League, Abstract 27, Waller County, Texas, more particularly being a portion of that certain called 672.719 acre tract conveyed to NBI Properties, Inc., by instruments of record in Volume 1005, Page 102, Official Public Records, of said Waller County (W.C.O.P.R.) and File No. 2006149078, Official Public Records, of Fort Bend County (F.B.C.O.P.R.), and being a portion of that certain called 152.516 acre tract conveyed to NBI Properties, Inc., by instruments of record in Volume 1005, Page 037, W.C.O.P.R., and File No. 2006149075, F.B.C.O.P.R., said 564.883 acres being more particularly described by metes and bounds as follows (all bearings are assumed);

BEGINNING at the northeast corner of said 672.719 acre tract, same being the northeast corner of said Randolph Foster League, the northwest corner of the Nathan Brookshire League, Abstract 14, and on the common line of said Waller County and Fort Bend County;
Thence, with the east line of said 672.719 acre tract, the east line of said Randolph Foster League and said common county line, South 03° 52' 13" East (South 03° 51' 32" East), 1455.68 feet to a point for corner;

Thence, leaving the east line of said 672.719 acre tract and continuing with the east line of said Randolph Foster League and said common county line, South 02° 07' 06" East, 2948.28 feet to a point for corner, an angle point in said county line;

Thence, continuing with said county line, South 87° 55' 15" West, 5634.05 feet to a point for corner on the common line of said 672.719 acre tract and F.M. 1489 (called 80 feet wide);

Thence, with the common line of said 672.719 acre tract and said F.M. 1489, the following twelve (12) courses:

1) North 02° 21' 59" West (called North 02° 22' 01" West), 1567.51 feet to a point for corner;

2) North 01° 45' 59" West, 1141.30 feet to a point for corner, the beginning of a curve;

3) 336.74 feet along the arc of a tangent curve to the left, having a radius of 5730.88 feet, a central angle of 03° 22' 00" and a chord which bears North 03° 26' 59" West, 336.69 feet to a point for corner;

4) North 05° 07' 59" West, 544.03 feet to a point for corner;

5) North 04° 07' 59" West, 262.85 feet to a point for corner, the beginning of a curve;

6) 780.21 feet along the arc of a tangent curve to the right, having a radius of 485.91 feet, a central angle of 91° 58' 53" and a chord which bears North 41° 51' 55" East, 699.06 feet to a point for corner;

7) North 87° 51' 48" East, 1977.02 feet to a point for corner, the beginning of a curve;

8) 220.45 feet along the arc of a non-tangent curve to the right, having a radius of 2824.79 feet, a central angle of 04° 28' 21" and a chord which bears South 88° 43' 35" East, 220.45 feet to a point for corner;

9) South 87° 29' 24" East, 204.78 feet to a point for corner, the beginning of a curve;

10) 86.35 feet along the arc of a tangent curve to the left, having a radius of 517.46 feet, a central angle of 09° 34' 20" and a chord which bears North 88° 43' 26" East, 86.35 feet to a point for corner;

11) South 86° 29' 20" East, 28.01 feet to a point for corner, the beginning of a curve;

12) 263.52 feet along the arc of a tangent curve to the left, having a radius of 326.48 feet, a central angle of 46° 14' 48" and a chord which bears North 70° 23' 17" East, 256.43 feet to a point for corner on the common survey line of said Randolph Foster League, Abstract 27 (Waller County) and the William Cooper League, Abstract 20;

Thence with the north line of said 672.719 acre tract and said common survey line, North 87° 49' 39" East, 827.66 feet to a point for corner;

Thence, continuing with said north line and said common survey line, North 87° 44' 38" East, 1562.25 feet to the POINT OF BEGINNING and containing 564.883 acres of land.

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

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

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.
this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 388

H.B. No. 1600

AN ACT relating to the creation of the Fort Bend County Municipal Utility District No. 201; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8333 to read as follows:

CHAPTER 8333. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 201

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8333.001. DEFINITIONS. In this chapter:
(1) “Board” means the district’s board of directors.
(2) “Director” means a board member.
(3) “District” means the Fort Bend County Municipal Utility District No. 201.

Sec. 8333.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8333.003. CONFIRMATION AND DIRECTORS’ 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. 8333.004. 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, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8333.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.
(b) The boundaries and field notes contained in Section 2 of the Act creating 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.