(d) The 48th District Court shall give preference to civil matters.

SECTION 3. Section 24.169, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The 67th District Court shall give preference to civil matters.

SECTION 4. Section 24.198, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The 96th District Court shall give preference to civil matters.

SECTION 5. Section 24.252, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The 153rd District Court shall give preference to civil matters.

SECTION 6. Section 24.352, Government Code, is amended to read as follows:

Sec. 24.352. 141ST JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 141st Judicial District is composed of Tarrant County.

(b) The 141st District Court shall give preference to civil matters.

SECTION 7. Section 24.413, Government Code, is amended to read as follows:

Sec. 24.413. 236TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 236th Judicial District is composed of Tarrant County.

(b) The 236th District Court shall give preference to civil matters.

SECTION 8. 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. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 581

S.B. No. 2460

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 65; 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 8357 to read as follows:

CHAPTER 8357. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 65

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8357.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Brazoria County Municipal Utility District No. 65.

Sec. 8357.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8357.003. 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. 8357.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8357.003 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.

Sec. 8357.005. 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. 8357.006. 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 8357.007-8357.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8357.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8357.052, directors serve staggered four-year terms.

Sec. 8357.052. 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 8357.003; 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 8357.003 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 8357.003; 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 Texas Commission on Environmental Quality 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 8357.053–8357.100 reserved for expansion]
SUBCHAPTER C. POWERS AND DUTIES

Sec. 8357.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8357.102. 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. 8357.103. 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. 8357.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8357.103 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. 8357.105. 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. 8357.106. 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 8357.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8357.107–8357.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8357.151. 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 8357.153.

(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. 8357.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8357.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.
Sec. 8357.153. 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 8357.154–8357.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8357.201. 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. 8357.202. 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. 8357.203. 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 Brazoria County Municipal Utility District No. 65 initially includes all the territory contained in the following area:

THREE TRACTS OF LAND TOTALING 367.24 ACRES DESCRIBED AS FOLLOWS:

PARCEL 1:
A survey of 123.68 acres out of Lots 20 and 21 of the Bogart and Taylor Subdivision of the West 1/2 of the W.D.C. Hall League, Abstract 69 according to the Plat recorded in Volume 1, Page 64 of the Map Records of Brazoria County, Texas (B.C.M.R), and being more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of Lot 20 at a concrete monument set on the North right-of-way line of County Road #51 for the most Southern Southwest corner of this tract and the POINT OF BEGINNING;

THENCE, North 02 degrees 51 minutes 52 seconds West, along the West lines of Lot 20, same being the East line of that tract of land (Lots 10, 11, and 19, Bogart and Taylor) as described by deed recorded in Clerk's File No. 85030634 of Brazoria County, Texas (B.C.C.F.), a distance of 3,416.87 feet to the present Northwest corner of Lot 20 and a point lying on the centerline of Ditch 316-00-00 as recorded in Iowa Colony Drainage District No. 5 for the most Western Northwest corner of this tract;

THENCE, North 86 degrees 57 minutes 14 seconds East, along the said centerline of Ditch 316-00-00, a distance of 1,707.48 feet for the most Northern Northeast corner of this tract and lying on the West right-of-way line of State Highway 288;

THENCE, North 03 degrees 00 minutes 50 seconds East, along the West right-of-way line of State Highway 288, a distance of 1,622.37 feet and to found concrete monument at an angle point in the East line of the herein described tract and located at North: 13682078.1065 / East: 3107137.5618 (NAD83), point also being the most Eastern corner of the herein described tract;

THENCE South 00 degrees 52 minutes 45 seconds West, along the West right-of-way line of State Highway 288, a distance of 543.00 feet to a found concrete monument marking a point of curvature;

THENCE, along the West right-of-way line of State Highway 288, along said curve to the right having a radius of 1,041.74 feet through a central angle of 46 degrees 27 minutes 46
seconds, an arc length of 844.78 feet to a found concrete monument marking a point of
tangency, long chord of said curve bears South 24 degrees 16 minutes 16 seconds West,
821.82 feet;

THENCE South 47 degrees 31 minutes 18 seconds West, along the West right-of-way line
of State Highway 288, a distance of 140.03 feet to a found concrete monument marking the
point of curvature of another curve;

THENCE, along the West right-of-way line of State Highway 288, along said curve to the
left, having a radius of 525.00 feet through a central angle of 47 degrees 48 minutes 38
seconds, an arc length of 438.09 feet to a found concrete monument marking a point of
tangency, long chord of said curve bears South 23 degrees 41 minutes 02 seconds West,
425.49 feet;

THENCE South 43 degrees 06 minutes 27 seconds West, along the West right-of-way line
of State Highway 288 and the North right-of-way of County Road 51, a distance of 36.74 feet
to a found concrete monument at an angle point and marking the Southwest corner of said
cut-back;

THENCE South 86 degrees 58 minutes 20 seconds West, along the North right-of-way of
County Road 51, a distance of 212.53 feet to a found concrete monument at an angle point;

THENCE South 01 degrees 32 minutes 04 seconds East, along the North right-of-way of
County Road 51, a distance of 28.33 feet to a found concrete monument at an angle point;

THENCE South 86 degrees 57 minutes 35 seconds West, along the North line of County
Road 51, a distance of 763.77 feet to a concrete monument and the POINT OF BEGINNING
and containing 123.68 acres of land, more or less, and being a part of the same property
described in the deed “Tract C” as described in the B.C.C.F. No. 2008-037928, to which deed
and the record thereof reference is here made for all appropriate purposes.

PARCEL 1A:
All that certain 103.61 acres tract of land, being a part of that certain called 264.533 Acre
Tract containing Lots 10, 11, and 19 of the Bogart and Taylor Subdivision of the West 1/2 of
the W.D.C. Hall League, Abstract 69, Brazoria County, Texas, a Plat of record in Volume 16,
at Pages 518 and 519 of the Deed Records of Brazoria County, Texas (B.C.D.R.), and being
that 264.533 Acre Tract described in a deed from Buffet Inc. to Tehama Communities, LLP
recorded in Clerk's File (C.F.) 2005-069871, said 103.61 acres tract of land being more
particularly described as follows:

BEGINNING at a 4-inch square concrete monument found at the Southeast corner of said
Lot 19, said concrete monument being the same described in that certain deed to Claud B.
Hamill recorded in Volume 1121, at Page 386 of the B.C.D.R., being also the Southwest
corner of Lot 20 of said Bogart and Taylor Subdivision;

THENCE South 87 degrees 02 minutes 24 seconds West, 1,319.26 feet coincident with the
South line of said Lot 19, being also the North line of County Road 51, a 60-foot wide right-
of-way, to a 1-inch galvanized iron pipe found for corner at the Southwest corner of said Lot
19;

THENCE North 03 degrees 02 minutes 53 seconds West, 3,420.00 feet coincident with the
West line of said Lot 19 to a point for corner, from which a 1/2-inch iron rod set for reference
bears North 78 degrees 12 minutes 16 seconds East, 63.35 feet;

THENCE North 86 degrees 57 minutes 14 seconds East, 1,319.26 feet coincident with the
North line of said Lot 19, being also the South line of Lot 10 of said Bogart and Taylor
Subdivision point also being the Northeast corner of this tract;

THENCE South 03 degrees 02 minutes 53 seconds East, 3,421.98 feet coincident with the
West line of said Claud B. Hamill tract to the PLACE OF BEGINNING, containing 103.61
acres of land, more or less.

PARCEL 2:
A survey of 139.95 acres of land, being a part of that certain called 325.54 Acre Tract
containing Lots 15, 16, and 17, and those platted roads lying between said lots, of the Bogart
and Taylor Subdivision of the West 1/2 of the W.D.C. Hall League, Abstract 69, Brazoria
County, Texas, according to the Plat recorded in Volume 1, Page 64, Plat Records, and

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BEGINNING at a 3/4 inch iron pipe found in the West right-of-way line of County Road 48 (60.0 feet wide) at the most Eastern Southeast corner of the herein described tract and the Northeast corner of a tract described in Volume 760, Page 411, B.C.D.R., said point being located South 03 degrees 02 minutes 44 seconds East 4,399.65 feet from a sucker rod found at intersection of the West right-of-way line of County Road 48 with the South right-of-way line of County Road 841 (60.0 feet wide);

THENCE South 87 degrees 03 minutes 31 seconds West, along the North line of said tract, 1,317.29 feet, to a 1-1/4 inch iron pipe found for corner at the Northwest corner of said tract described in Volume 760, Page 411, B.C.D.R.;

THENCE South 04 degrees 01 minute 26 seconds East, along the West line of said tract, 306.18 feet, to a 3 inch iron pipe found for corner at the Northeast corner of the Stephen Coleman tract described in C.F. 1998-011886;

THENCE South 87 degrees 08 minutes 31 seconds West, along the North line of the Coleman tract, 1,329.32 feet, to a 2 inch iron pipe found for corner at the Southern most Southwest corner of the herein tract and the aforesaid 326.04 Acre Tract;

THENCE North 02 degrees 42 minutes 18 seconds West, along the West line of said 326.04 Acre Tract and the Easterly line of a former 60.0 foot platted road, closed by document in Volume 1359, Page 945, B.C.D.R., 661.35 feet, to a 1-1/4 inch iron pipe found for angle point;

THENCE North 03 degrees 07 minutes 30 seconds West, continuing along the West line of said 326.04 Acre Tract and the Easterly line of said platted road, 484.85 feet, to a 1/2 inch iron rod capped “Stroud RPLS 2112” found for corner;

THENCE South 86 degrees 56 minutes 50 seconds West, along a Southerly line of said 326.04 Acre Tract, at 60.0 feet pass a 1/2 inch iron rod capped “Stroud RPLS 2112” found in the West right-of-way line of said 60.0 foot platted road, and continue for a total distance of 983.63 feet to a 1/2 inch iron rod capped “Stroud RPLS 2112” found for corner in the Northeast right-of-way line of F.M. 521 (100.0 feet wide);

THENCE North 18 degrees 47 minutes 40 seconds West, along said Northeast right-of-way line of F.M. 521, 959.36 feet, to the centerline of a 60.0 foot platted road (not open) for corner, said point being the Western most Northwest corner of the herein tract;

THENCE North 86 degrees 57 minutes 14 seconds East, along said centerline of a 60.0 foot platted road (not open), 3,882.14 feet, to the aforesaid West right-of-way line of County Road 48 for corner, said point being the Northern most Northeast corner for the herein described tract;

THENCE South 03 degrees 02 minutes 44 seconds East, along the said West right-of-way line of County Road 48, 1,770.06 feet, to the POINT OF BEGINNING and containing 139.95 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. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 144, Nays 0, two present not voting.

Approved June 19, 2009.


CHAPTER 582

S.B. No. 2462

AN ACT

relating to the powers and duties of the Falcon's Lair Utility and Reclamation District relating to the issuance of bonds.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 19, Chapter 935, Acts of the 69th Legislature, Regular Session, 1985, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) For the payment of all or part of the costs of an improvement project or services under Section 20A of this Act, the board may issue bonds in one or more series payable from and secured by ad valorem taxes, assessments, impact fees, revenues, payments pursuant to an agreement made under Section 311.010(b), Tax Code, dedicating revenue from a tax increment fund, grants, gifts, contracts, or leases or any combination of those funds. Bonds may be liens on all or part of the revenue derived from improvements authorized under Section 20A of this Act, including installment payments of special assessments or from any other source pledged to their payment.

(f) Sections 49.181 and 49.182, Water Code, do not apply to:

(1) bonds issued by the district and payable from:

(A) assessments imposed by the district under Section 20A of this Act that are paid in full on the first conveyance of land after imposition of the assessment; or

(B) payments pursuant to an agreement made under Section 311.010(b), Tax Code, dedicating revenue from a tax increment fund; or

(2) a project that is financed by an issuance of bonds described by Subdivision (1) of this subsection.

SECTION 2. (a) Any act or proceeding of the Falcon’s Lair Utility and Reclamation District, including an election, not excepted by this section and taken before the effective date of this Act, is validated and confirmed in all respects as of the date on which the act or proceeding occurred.

(b) This section does not apply to:

(1) an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act; or

(2) an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

SECTION 3. (a) Section 19, Chapter 935, Acts of the 69th Legislature, Regular Session, 1985, as amended by this Act, applies to bonds issued by the Falcon’s Lair Utility and Reclamation District on or after the effective date of this Act, regardless of whether an application for bond approval from the Texas Commission on Environmental Quality is pending on the effective date of this Act. Bonds issued by the district before the effective date of this Act are governed by the law in effect on the date the bonds were issued, and that law is continued in effect for that purpose.