

1-1 By: Kolkhorst S.B. No. 2010
1-2 (In the Senate - Filed March 23, 2015; March 30, 2015, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 29, 2015, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 29, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Waller County Municipal Utility
1-18 District No. 20; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 7928 to read as follows:

1-24 CHAPTER 7928. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 20

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7928.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Waller County Municipal
1-32 Utility District No. 20.

1-33 Sec. 7928.002. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 7928.003. CONFIRMATION AND DIRECTORS' ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7928.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 7928.003
1-42 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 7928.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 7928.006. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act enacting this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7928.051. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 7928.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7928.052. TEMPORARY DIRECTORS. (a) The temporary

2-13 board consists of:

- 2-14 (1) Monica L. Pena;
- 2-15 (2) Rafael Garcia;
- 2-16 (3) Walker French;
- 2-17 (4) Michael Cole; and
- 2-18 (5) Adam Selwyn.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 7928.003; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 7928.003 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 7928.003; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7928.101. GENERAL POWERS AND DUTIES. The district has

2-42 the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 7928.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 7928.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 7928.104. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 7928.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the
3-3 creation of the district or to the inclusion of land in the
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 7928.151. ELECTIONS REGARDING TAXES OR BONDS.

3-7 (a) The district may issue, without an election, bonds and other
3-8 obligations secured by:

- 3-9 (1) revenue other than ad valorem taxes; or
- 3-10 (2) contract payments described by Section 7928.153.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 7928.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7928.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 7928.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 7928.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 7928.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 7928.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Waller County Municipal Utility District No.
3-53 20 initially includes all the territory contained in the following
3-54 area:

3-55 Being a 809.20 acre tract of land in the W. Hillhouse Survey,
3-56 Abstract 136, Waller County, Texas, the F.L. Smith Survey, Abstract
3-57 252, Waller County, Texas, the D. Warren Survey, Abstract 394,
3-58 Waller County, Texas, the W. Rogerson Survey, Abstract 245, Waller
3-59 County, Texas, the R. Watson Survey, Abstract 271, Waller County,
3-60 being out of a called 2023.4232 acre tract of land as recorded under
3-61 Volume 883, Page 590 of the Real Property Records Waller County, and
3-62 Montgomery County Clerk's File No. 2005-063061, and all of a called
3-63 803.86 acre tract of land as recorded in Volume 1330, Page 226, of
3-64 the Real Properties Records of Waller County, Texas. Said 809.20
3-65 acre tract, being more particularly described as follows:

3-66 BEGINNING at 5/8" iron rod found for the southwesterly corner
3-67 of the Remington Forest Subdivision as recorded in Volume 1278,
3-68 Page 566 of the Map Records of Waller County, Texas, also being on
3-69 the northerly line of FM 1488, and being a southeasterly corner of

4-1 herein described tract;

4-2 THENCE S 87 deg. 27' 46" W along the northerly line of FM

4-3 1488, a distance of 1634.27 feet to the centerline of a creek, being

4-4 the southwesterly corner of the herein described tract

4-5 THENCE across the said 2023.4232 and the said 803.86 acre

4-6 tract as follows:

4-7 THENCE N 02deg10'05" W, a distance of 196.50' to a point

4-8 for corner

4-9 THENCE N 33deg15'32" E, a distance of 378.47' to a point

4-10 for corner

4-11 THENCE N 10deg42'18" W, a distance of 566.69' to a point

4-12 for corner

4-13 THENCE N 08deg13'31" W, a distance of 1330.08' to a

4-14 point for corner

4-15 THENCE N 08deg13'31" W, a distance of 417.47' to a point

4-16 for corner

4-17 THENCE N 41deg36'33" W, a distance of 292.69' to a point

4-18 for corner

4-19 THENCE N 16deg33'53" E, a distance of 668.46' to a point

4-20 for corner

4-21 THENCE N 02deg17'52" E, a distance of 899.56' to a point

4-22 for corner

4-23 THENCE N 12deg09'48" E, a distance of 629.46' to a point

4-24 for corner

4-25 THENCE N 46deg27'00" E, a distance of 923.73' to a point

4-26 for corner

4-27 THENCE N 21deg57'56" E, a distance of 516.18' to a point

4-28 for corner

4-29 THENCE N 48deg32'01" W, a distance of 265.75' to a point

4-30 for corner

4-31 THENCE N 39deg11'23" E, a distance of 175.18' to a point

4-32 for corner

4-33 THENCE with a curve turning to the right with an arc

4-34 length of 1671.08', having a radius of 3500.00', a chord which bears

4-35 N 52deg52'03" E, a chord length of 1655.25';

4-36 THENCE N 66deg32'44" E, a distance of 498.48' to a point

4-37 for corner

4-38 THENCE with a curve turning to the left with an arc

4-39 length of 1904.28', having a radius of 2000.00', a chord which bears

4-40 N 39deg16'07" E, a chord length of 1833.16',

4-41 THENCE S 89deg46'05" E, a distance of 1403.20' to a point for

4-42 corner in the westerly line of Ranch Crest subdivision, a

4-43 subdivision recorded in Cabinet Z, Sheet 1741 of the Real Property

4-44 Records of Montgomery County, Texas

4-45 THENCE S 01 deg. 38' 07" E along the easterly line the said

4-46 803.86 acre tract, a distance of 7575.75 feet to a 5/8" iron rod

4-47 found for the southeasterly corner of said 803.86 acre tract, also

4-48 being the northeasterly corner of Remington Forest Section 1, and

4-49 being a corner of herein described tract;

4-50 THENCE along the northerly line of Remington Forest Section 1

4-51 as follows:

4-52 THENCE N 71deg19'31" W, a distance of 175.38' to a point

4-53 for corner

4-54 THENCE N 80deg21'54" W, a distance of 315.27' to a point

4-55 for corner

4-56 THENCE S 75deg59'54" W, a distance of 89.70' to a point

4-57 for corner

4-58 THENCE N 81deg44'54" W, a distance of 110.31' to a point

4-59 for corner

4-60 THENCE S 79deg04'39" W, a distance of 153.54' to a point

4-61 for corner

4-62 THENCE N 67deg55'32" W, a distance of 323.68' to a point

4-63 for corner

4-64 THENCE S 43deg05'21" W, a distance of 324.47' to a point

4-65 for corner

4-66 THENCE N 46deg54'59" W, a distance of 73.97' to a point

4-67 for corner

4-68 THENCE S 43deg05'06" W, a distance of 70.00' to a point

4-69 for corner

5-1 THENCE S 87deg28'04" W, a distance of 2210.19' to a
 5-2 point for corner

5-3 THENCE N 34deg51'23" W, a distance of 40.47' to a point
 5-4 for corner

5-5 THENCE N 01deg06'12" E, a distance of 140.75' to a point
 5-6 for corner

5-7 THENCE S 50deg40'50" W, a distance of 149.29' to a point for
 5-8 corner being the northwesterly corner of Remington Forest Section 1

5-9 THENCE along the westerly line of Remington Forest
 5-10 Subdivision, S 03 deg. 10' 26" E, a distance of 1508.02 feet to the
 5-11 POINT OF BEGINNING, and containing 809.20 acres of land, more or
 5-12 less.

5-13 SECTION 3. (a) The legal notice of the intention to
 5-14 introduce this Act, setting forth the general substance of this
 5-15 Act, has been published as provided by law, and the notice and a
 5-16 copy of this Act have been furnished to all persons, agencies,
 5-17 officials, or entities to which they are required to be furnished
 5-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-19 Government Code.

5-20 (b) The governor, one of the required recipients, has
 5-21 submitted the notice and Act to the Texas Commission on
 5-22 Environmental Quality.

5-23 (c) The Texas Commission on Environmental Quality has filed
 5-24 its recommendations relating to this Act with the governor, the
 5-25 lieutenant governor, and the speaker of the house of
 5-26 representatives within the required time.

5-27 (d) All requirements of the constitution and laws of this
 5-28 state and the rules and procedures of the legislature with respect
 5-29 to the notice, introduction, and passage of this Act are fulfilled
 5-30 and accomplished.

5-31 SECTION 4. (a) If this Act does not receive a two-thirds
 5-32 vote of all the members elected to each house, Subchapter C, Chapter
 5-33 7928, Special District Local Laws Code, as added by Section 1 of
 5-34 this Act, is amended by adding Section 7928.106 to read as follows:

5-35 Sec. 7928.106. NO EMINENT DOMAIN POWER. The district may
 5-36 not exercise the power of eminent domain.

5-37 (b) This section is not intended to be an expression of a
 5-38 legislative interpretation of the requirements of Section 17(c),
 5-39 Article I, Texas Constitution.

5-40 SECTION 5. This Act takes effect immediately if it receives
 5-41 a vote of two-thirds of all the members elected to each house, as
 5-42 provided by Section 39, Article III, Texas Constitution. If this
 5-43 Act does not receive the vote necessary for immediate effect, this
 5-44 Act takes effect September 1, 2015.

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