

1-1 By: Kolkhorst S.B. No. 2014  
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. 23; 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 7920 to read as follows:

1-24 CHAPTER 7920. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 23

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7920.001. 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. 23.

1-33 Sec. 7920.002. 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. 7920.003. 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. 7920.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-41 temporary directors may not hold an election under Section 7920.003  
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. 7920.005. 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. 7920.006. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7920.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7920.052, directors serve staggered four-year terms.

Sec. 7920.052. 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 7920.003; 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 7920.003 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 7920.003; 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.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7920.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7920.102. 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. 7920.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7920.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, 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. 7920.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE 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. 7920.151. 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 7920.153.

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. 7920.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-20 authorized at an election held under Section 7920.151, 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. 7920.153. 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. 7920.201. 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. 7920.202. 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. 7920.203. 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 23 initially includes all the territory contained in the following  
3-54 area:

3-55 Being a 622.88 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. Said 622.88 acre  
3-63 tract, being more particularly described as follows:

3-64 BEGINNING at a 1" iron pipe for the southeasterly corner of a  
3-65 called 81.00 acre tract of land as recorded in Volume 610, Page 578  
3-66 of the deed records of Montgomery County Texas, also being the  
3-67 southwesterly corner of the said 2023.4232 acre tract;

3-68 THENCE N 03 deg. 29' 36" W along the easterly line of said  
3-69 81.00 acre tract, a distance of 1726.26 feet to a 1" bar found for

4-1 the northeasterly corner of said 81.00 acre tract, and being a  
4-2 southwesterly corner of herein described tract;  
4-3       THENCE S 86 deg. 39' 20" W along the northerly line of said  
4-4 81.00 acre tract, also along the northerly line of 12.572 acre tract  
4-5 as recorded under Volume 1070, Page 545 of the Deed Records of  
4-6 Waller County, Texas, also along the northerly line of a 45.506 acre  
4-7 tract as recorded under Volume 934, Page 241 of the Deed Records of  
4-8 Waller County, Texas, a distance of 3519.08 feet to a 2" pipe on the  
4-9 northerly line of said 45.506 acre tract, also being the  
4-10 southeasterly corner of a 48.0 acre tract as recorded under Volume  
4-11 1017, Page 070 of the Deed Records of Waller County, Texas and being  
4-12 a southwesterly corner of herein described tract;  
4-13       THENCE N 03 deg. 17' 44" W along the easterly line of said  
4-14 48.0 acre tract, also along the easterly line of a 10.0 acre tract  
4-15 as recorded under Volume 1070, Page 070, Volume 0960, Page 673,  
4-16 Volume 1108, Page 241 & 247 of the Deed Records of Waller County,  
4-17 Texas, a distance of 1107.47 feet to a concrete monument for the  
4-18 northeasterly corner of said 10.0 acre tract, and being a  
4-19 southwesterly corner of herein described tract;  
4-20       THENCE S 86 deg. 37' 35" W along the northerly line of said  
4-21 10.0 acre tract, a distance of 1895.45 feet to a concrete monument  
4-22 found for corner of said 10.0 acre tract, also being the easterly  
4-23 line of 1384.0 acre tract as recorded in Volume 32, Page 27 of the  
4-24 Deed Records of Waller County, Texas, and being a southwesterly  
4-25 corner of herein described tract;  
4-26       THENCE N 03 deg. 12' 17" W along the easterly line of said  
4-27 1384.0 acre tract, a distance of 4066.21 feet to a concrete monument  
4-28 on easterly line of said 1384.0 acre tract, also being the  
4-29 southwesterly corner of a 229.0 acre tract of land as recorded in  
4-30 Volume 72, Page 124 of the Deed records of Waller County, Texas, and  
4-31 being a northwesterly corner of herein described tract;  
4-32       THENCE N 86 deg. 26' 44" E along the southerly line of said  
4-33 229.0 acre tract, a distance of 2690.70 feet to a Fence Corner found  
4-34 for the southeasterly corner of said 229.0 acre tract, and being a  
4-35 corner of herein described tract;  
4-36       THENCE N 03 deg. 02' 22" W along the easterly line of said  
4-37 229.0 acre tract, a distance of 938.08 feet to the most northerly  
4-38 point of the herein described tract;  
4-39       THENCE across the said 2023.4232 acre tract as follows:  
4-40               THENCE N 87deg24'30" E, a distance of 976.07' to a point  
4-41 for corner  
4-42               THENCE S 11deg24'02" E, a distance of 920.79' to a point  
4-43 for corner  
4-44               THENCE S 22deg31'16" W, a distance of 241.81' to a point  
4-45 for corner  
4-46               THENCE with a curve turning to the right with an arc  
4-47 length of 610.49', having a radius of 2000.00', a chord which bears  
4-48 S 59deg55'12" E, a chord length of 608.12';  
4-49               THENCE S 51deg10'31" E, a distance of 411.07' to a point  
4-50 for corner;  
4-51               THENCE with a curve turning to the left with an arc  
4-52 length of 158.92', having a radius of 2000.00', a chord which bears  
4-53 S 53deg27'06" E, a chord length of 158.88';  
4-54               THENCE S 26deg58'13" W, a distance of 188.08' to a point  
4-55 for corner  
4-56               THENCE with a curve turning to the left with an arc  
4-57 length of 1228.20', having a radius of 2800.00', a chord which bears  
4-58 S 14deg24'14" W, a chord length of 1218.38';  
4-59               THENCE S 86deg11'28" E, a distance of 215.01' to a point  
4-60 for corner  
4-61               THENCE with a curve turning to the right with an arc  
4-62 length of 1128.40', having a radius of 1400.00', a chord which bears  
4-63 S 63deg06'03" E, a chord length of 1098.11';  
4-64               THENCE with a compound curve turning to the right with  
4-65 an arc length of 1073.28', having a radius of 1400.00', a chord  
4-66 which bears S 18deg02'54" E, a chord length of 1047.19';  
4-67               THENCE S 03deg54'50" W, a distance of 607.93' to a point  
4-68 for corner  
4-69               THENCE N 89deg47'45" E, a distance of 1008.22' to a

