

1-1 By: Creighton S.B. No. 2015
 1-2 (In the Senate - Filed March 25, 2015; March 30, 2015, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; May 6, 2015, reported favorably by the following vote:
 1-5 Yeas 5, Nays 0; May 6, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt			X	
1-9 Campbell	X			
1-10 Garcia	X			
1-11 Menéndez	X			
1-12 Nichols	X			
1-13 Taylor of Galveston			X	

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

1-17 relating to the creation of the Montgomery County Municipal Utility
 1-18 District No. 152; 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 7932 to read as follows:
 1-24 CHAPTER 7932. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 152

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7932.001. 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 Montgomery County Municipal
 1-32 Utility District No. 152.

1-33 Sec. 7932.002. 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. 7932.003. 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. 7932.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section 7932.003
 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. 7932.005. 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. 7932.006. 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

2-8 Sec. 7932.051. 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 7932.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7932.052. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

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

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

2-21 Section 7932.003; 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 7932.003 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 7932.003; 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.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7932.101. 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. 7932.102. 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. 7932.103. 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. 7932.104. 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. 7932.105. 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. 7932.151. 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 7932.153.

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. 7932.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7932.151, 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. 7932.153. 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. 7932.201. 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. 7932.202. 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. 7932.203. 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 Montgomery County Municipal Utility District
3-53 No. 152 initially includes all the territory contained in the
3-54 following area:

3-55 A METES & BOUNDS description of a certain 695.3 acre tract of
3-56 land situated in the Montgomery County School Land Survey, Abstract
3-57 No. 351, the T. F. Johnson Survey, Abstract No. 299 and the Timothy
3-58 O'Neil Survey, Abstract No. 406 in Montgomery County, Texas, being
3-59 comprised of a called 364.7 acre tract of land (First Tract) and a
3-60 called 330.6 acre tract of land (Second Tract) conveyed to Bell
3-61 Endeavors, Ltd. From Helen Hilliard Brame by Special Warranty Deed
3-62 recorded in Clerk's File No. 2004-021196 of the Montgomery County
3-63 Official Public Records of Real Property; said 695.3 acre tract
3-64 being more particularly described in Two (2) Tracts as follows with
3-65 all bearings being based on a call of South 51°30' West, along the
3-66 common lines of the First and Second Tracts;

3-67 TRACT 1: 364.7 acres, more or less, of land, of which 286.5
3-68 acres, more or less, lies in the Montgomery County School Land
3-69 Survey, Abstract No. 350, 69.2 acres, more or less, lies in the

4-1 Montgomery County School Land Survey, Abstract No. 351, 6.5 acres,
 4-2 more or less, lies in the T. F. Johnson Survey, Abstract No. 299,
 4-3 and 2.5 acres, more or less, lies in the Timothy O'Neil Survey,
 4-4 Abstract No. 406, and being the same land as conveyed to Winnie
 4-5 Helen Hilliard by partition deed dated July 20, 1957, recorded in
 4-6 Volume 434, Page 441 of the Deed Records of Montgomery County,
 4-7 Texas; said 364.7 acres, more or less, of land being more
 4-8 particularly described as follows:

4-9 BEGINNING at the Southwest corner of the S. Richardson
 4-10 Survey, Abstract No. 460 and the Northwest corner of the T. F.
 4-11 Johnson Survey, the Eastern Southeast corner of the Montgomery
 4-12 County School Land Survey, Abstract No. 350, a Northeast intra
 4-13 corner of the Montgomery County School Land Survey, Abstract
 4-14 No. 351, and being Corner No. 1 hereof;

4-15 THENCE, S 00°30' W, 199.3 feet to Corner No. 2 hereof at the
 4-16 Southwest corner of the Blanche Bender tract of land;

4-17 THENCE, East, 746.4 feet to Corner No. 3 hereof and the
 4-18 Second Corner of Tract 2 hereof;

4-19 THENCE, S 51°30' W, 2738 feet to Corner No. 4 hereof and
 4-20 Corner No. 1 of said Tract Two hereof, also being in the Northern
 4-21 boundary line of a 660 acre tract as conveyed to Winnifred Bender
 4-22 Beaman by said partition deed recorded in Volume 434, Page 441 of
 4-23 said Deed Records, and also being the Southeast corner of the Doris
 4-24 Eugenia Vaughan tract as described in said partition deed;

4-25 THENCE, N 38°35' W, 6268.4 feet to Corner No. 5 hereof and the
 4-26 Northeast corner of said Doris Eugenia Vaughan tract in the center
 4-27 of the Scott-Herrin Road;

4-28 THENCE, N 47°30' E, 800.4 feet with said Road [Deed (Volume
 4-29 434, Page 441) call of N 46°40' E, 759.2 feet] to Corner No. 6
 4-30 hereof;

4-31 THENCE, N 70°06' E, 1110.0 feet continuing with said road
 4-32 [Deed (Volume 434, Page 441) call of N 68°55' E, 1110 feet] to its
 4-33 intersection with the old Bender Tram Line for Corner No. 7 hereof;

4-34 THENCE, S 57°27' E, with said old Tram, 4397 feet [Deed
 4-35 (Volume 434, Page 441) call of S 57°12' E, 4397 feet] to Corner No. 8
 4-36 hereof in the West boundary line of the S. Richardson Survey;

4-37 THENCE, S 01°12'39" W, 1549.45 feet [Deed (Clerk's File
 4-38 No. 2004-021196) call South 01°13' W, 1549.6 feet] along the West
 4-39 line of the S. Richardson Survey to the PLACE OF BEGINNING AND
 4-40 CONTAINING within these bounds 364.7 acres, more or less, of land.

4-41 TRACT 2: 330.6 acres, more or less, of land, of which 110.5
 4-42 acres, more or less, lies in the Montgomery County School Land
 4-43 Survey, Abstract No. 351, and 220.1 acres, more or less, lies in the
 4-44 T. F. Johnson Survey, Abstract No. 299, and being the same land as
 4-45 conveyed to Winnie Helen Hilliard by deed dated August 3, 1967,
 4-46 recorded in Volume 646, Page 935 of the Montgomery County Deed
 4-47 Records; said 330.6 acres, more or less, of land being more
 4-48 particularly described as follows:

4-49 BEGINNING at Corner No. 4 of the Tract 1 herein, and Corner
 4-50 No. 1 hereof;

4-51 THENCE, N 51°30' E, 2738.0 feet to a point for corner in the
 4-52 Southern boundary line of said Blanche Bender tract for Corner
 4-53 No. 2;

4-54 THENCE, East, 1009.6 feet with the Southern boundary line of
 4-55 said Blanche Bender tract to Corner No. 3 hereof on the Western edge
 4-56 of the Old Bender Tram Line;

4-57 THENCE, S 28°02' E, with said old Tram and/or road, 4024 feet
 4-58 [Deed (Volume 434, Page 441) call of S 28°50' E, 3966.4 feet] to
 4-59 Corner No. 4 hereof, on the Western side of said road, and being a
 4-60 most Eastern corner of the Doris E. Vaughan 330 acres as described
 4-61 in a deed recorded in Volume 646, Page 933 of said Deed Records;

4-62 THENCE, S 52°43' W, 2797.2 feet, [Deed (Volume 434, Page 441)
 4-63 call of S 53° W, 2797.2 feet] to Corner No. 5 hereof and being a
 4-64 re-entrant corner of the Doris E. Vaughan 330 acre tract;

4-65 THENCE, S 38°30'25" W, 4526.14 feet [Deed (Clerk's File
 4-66 No. 2004-021196) call N 38°30' W, 4525.7 feet] to the PLACE OF
 4-67 BEGINNING AND CONTAINING within these bounds 330.6 acres, more or
 4-68 less, of land for a total of 695.3 acres in Montgomery County,
 4-69 Texas.

5-1 SECTION 3. (a) The legal notice of the intention to
5-2 introduce this Act, setting forth the general substance of this
5-3 Act, has been published as provided by law, and the notice and a
5-4 copy of this Act have been furnished to all persons, agencies,
5-5 officials, or entities to which they are required to be furnished
5-6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-7 Government Code.

5-8 (b) The governor, one of the required recipients, has
5-9 submitted the notice and Act to the Texas Commission on
5-10 Environmental Quality.

5-11 (c) The Texas Commission on Environmental Quality has filed
5-12 its recommendations relating to this Act with the governor, the
5-13 lieutenant governor, and the speaker of the house of
5-14 representatives within the required time.

5-15 (d) All requirements of the constitution and laws of this
5-16 state and the rules and procedures of the legislature with respect
5-17 to the notice, introduction, and passage of this Act are fulfilled
5-18 and accomplished.

5-19 SECTION 4. (a) If this Act does not receive a two-thirds
5-20 vote of all the members elected to each house, Subchapter C, Chapter
5-21 7932, Special District Local Laws Code, as added by Section 1 of
5-22 this Act, is amended by adding Section 7932.106 to read as follows:

5-23 Sec. 7932.106. NO EMINENT DOMAIN POWER. The district may
5-24 not exercise the power of eminent domain.

5-25 (b) This section is not intended to be an expression of a
5-26 legislative interpretation of the requirements of Section 17(c),
5-27 Article I, Texas Constitution.

5-28 SECTION 5. This Act takes effect immediately if it receives
5-29 a vote of two-thirds of all the members elected to each house, as
5-30 provided by Section 39, Article III, Texas Constitution. If this
5-31 Act does not receive the vote necessary for immediate effect, this
5-32 Act takes effect September 1, 2015.

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