

1-1 By: Eltife S.B. No. 2066  
1-2 (In the Senate - Filed April 28, 2015; April 29, 2015, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 12, 2015, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 12, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2066 By: Lucio

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the creation of the Rose City Municipal Utility  
1-20 District; providing authority to issue bonds; providing authority  
1-21 to impose assessments and fees.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-24 Code, is amended by adding Chapter 7958 to read as follows:

1-25 CHAPTER 7958. ROSE CITY MUNICIPAL UTILITY DISTRICT

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 7958.001. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "City" means the City of Tyler.

1-30 (3) "Commission" means the Texas Commission on  
1-31 Environmental Quality.

1-32 (4) "Director" means a board member.

1-33 (5) "District" means the Rose City Municipal Utility  
1-34 District.

1-35 Sec. 7958.002. NATURE OF DISTRICT. The district is a  
1-36 municipal utility district created under Section 59, Article XVI,  
1-37 Texas Constitution.

1-38 Sec. 7958.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-39 REQUIRED. The temporary directors shall hold an election to  
1-40 confirm the creation of the district and to elect five permanent  
1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7958.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-43 temporary directors may not hold an election under Section 7958.003  
1-44 until each municipality in whose corporate limits or  
1-45 extraterritorial jurisdiction the district is located has  
1-46 consented by ordinance or resolution to the creation of the  
1-47 district and to the inclusion of land in the district.

1-48 Sec. 7958.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of a  
1-51 municipal utility district as provided by general law and Section  
1-52 59, Article XVI, Texas Constitution.

1-53 Sec. 7958.006. INITIAL DISTRICT TERRITORY. (a) The  
1-54 district is initially composed of the territory described by  
1-55 Section 2 of the Act enacting this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of  
1-57 the Act enacting this chapter form a closure. A mistake made in the  
1-58 field notes or in copying the field notes in the legislative process  
1-59 does not affect the district's:

1-60 (1) organization, existence, or validity;

2-1 (2) right to issue any type of bond for the purposes  
2-2 for which the district is created or to pay the principal of and  
2-3 interest on a bond; or

2-4 (3) legality or operation.

2-5 SUBCHAPTER B. BOARD OF DIRECTORS

2-6 Sec. 7958.051. GOVERNING BODY; TERMS. (a) The district is  
2-7 governed by a board of five elected directors.

2-8 (b) Except as provided by Section 7958.052, directors serve  
2-9 staggered four-year terms.

2-10 Sec. 7958.052. TEMPORARY DIRECTORS. (a) The temporary  
2-11 board consists of:

2-12 (1) Martin Heines;

2-13 (2) John Nix;

2-14 (3) Sam Mezayek;

2-15 (4) Darryl Bowdre; and

2-16 (5) Edward Broussard.

2-17 (b) Temporary directors serve until the earlier of:

2-18 (1) the date permanent directors are elected under  
2-19 Section 7958.003; or

2-20 (2) September 1, 2019.

2-21 (c) If permanent directors have not been elected under  
2-22 Section 7958.003 and the terms of the temporary directors have  
2-23 expired, successor temporary directors shall be appointed or  
2-24 reappointed as provided by Subsection (d) to serve terms that  
2-25 expire on the earlier of:

2-26 (1) the date permanent directors are elected under  
2-27 Section 7958.003; or

2-28 (2) the fourth anniversary of the date of the  
2-29 appointment or reappointment.

2-30 (d) If Subsection (c) applies, the owner or owners of a  
2-31 majority of the assessed value of the real property in the district  
2-32 may submit a petition to the commission requesting that the  
2-33 commission appoint as successor temporary directors the five  
2-34 persons named in the petition. The commission shall appoint as  
2-35 successor temporary directors the five persons named in the  
2-36 petition.

2-37 Sec. 7958.053. QUALIFICATIONS OF DIRECTORS.

2-38 (a) Notwithstanding any other law:

2-39 (1) an officer or employee of the city may serve as a  
2-40 director of the district; and

2-41 (2) a member of the governing body of the city may  
2-42 serve as a director of the district.

2-43 (b) A person who qualifies to serve as a director is  
2-44 qualified to participate in all votes pertaining to the business of  
2-45 the district, subject to Section 49.058, Water Code.

2-46 (c) Section 49.052, Water Code, does not apply to the  
2-47 district.

2-48 Sec. 7958.054. COMPENSATION; REIMBURSEMENT. A director  
2-49 serves without compensation but may receive reimbursement for  
2-50 actual expenses reasonably and necessarily incurred while engaging  
2-51 in activities on behalf of the district.

2-52 SUBCHAPTER C. POWERS AND DUTIES

2-53 Sec. 7958.101. GENERAL POWERS AND DUTIES. The district has  
2-54 the powers and duties necessary to accomplish the purposes for  
2-55 which the district is created.

2-56 Sec. 7958.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-57 DUTIES. The district has the powers and duties provided by the  
2-58 general law of this state, including Chapters 49 and 54, Water Code,  
2-59 applicable to municipal utility districts created under Section 59,  
2-60 Article XVI, Texas Constitution.

2-61 Sec. 7958.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
2-62 OR RESOLUTION. The district shall comply with all applicable  
2-63 requirements of any ordinance or resolution that is adopted under  
2-64 Section 54.016 or 54.0165, Water Code, and that consents to the  
2-65 creation of the district or to the inclusion of land in the  
2-66 district.

2-67 Sec. 7958.104. NO EMINENT DOMAIN POWER. The district may  
2-68 not exercise the power of eminent domain.

3-1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-2 Sec. 7958.151. ELECTIONS REGARDING BONDS. The district may  
 3-3 issue, without an election, bonds and other obligations secured by  
 3-4 revenue other than ad valorem taxes.

3-5 Sec. 7958.152. PROHIBITION ON IMPOSITION OF TAXES.

3-6 (a) The district may not impose an ad valorem tax for any purpose.

3-7 (b) Section 49.107, Water Code, does not apply to the  
 3-8 district.

3-9 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-10 Sec. 7958.201. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-11 OBLIGATIONS. The district may issue bonds or other obligations  
 3-12 payable wholly or partly from impact fees, revenue, contract  
 3-13 payments, grants, or other district money, or any combination of  
 3-14 those sources, to pay for any authorized district purpose.

3-15 SECTION 2. The Rose City Municipal Utility District  
 3-16 initially includes all the territory contained in the following  
 3-17 area:

3-18 BEGINNING at a point at the southwest corner of the intersection of  
 3-19 Grande Blvd and S Broadway Ave also the northeast corner of lot 12F  
 3-20 N.C.B. 1434.

3-21 THENCE travel Southerly along the west ROW of S Broadway Ave  
 3-22 approximately 18,456 ft to the southeast corner of lot 1 N.C.B. 1700  
 3-23 fronting S Broadway Ave.

3-24 THENCE Westerly approximately 354 ft along the south edge of lot 1  
 3-25 N.C.B. 1700.

3-26 THENCE Southwesterly direction 221 ft along the east edge of lot 1  
 3-27 N.C.B. 1700.

3-28 THENCE Westerly approximately 1,255 ft along the southern line of  
 3-29 lot 1 N.C.B. 1700 to lot 12.

3-30 THENCE Westerly approximately 75 ft along the southern line of lot  
 3-31 12.

3-32 THENCE Northerly approximately 1,100 ft along the west line of lot  
 3-33 12 to lot 1 N.C.B. 1700.

3-34 THENCE Northerly approximately 1,985 ft along the west line of lot 1  
 3-35 N.C.B. 1700 to the south ROW line of FM 2813.

3-36 THENCE Northerly approximately 60 ft across the ROW of FM 2813 to  
 3-37 the southeast lot of 23A N.C.B. 1539M.

3-38 THENCE Travel Westerly along the north ROW of FM 2813 approximately  
 3-39 4,110 ft to the southwest corner of lot 1A N.C.B. 1539M of the north  
 3-40 ROW of FM 2813 and east ROW of Neighbors Rd.

3-41 THENCE Travel Northerly along the east ROW of Neighbors Rd  
 3-42 approximately 3,670 ft (Crossing Loop 49 at approx. 1,900') to the  
 3-43 southwest corner of lot 2A N.C.B. 1138G.

3-44 THENCE Northwesterly across the ROW of Cherryhill Dr approximately  
 3-45 135 ft to southeast corner of lot 1A N.C.B. 1138H of the west ROW of  
 3-46 Cherryhill Dr and north ROW of Neighbors Rd.

3-47 THENCE Travel Westerly along the north ROW of Neighbors Rd  
 3-48 approximately 2,770 ft to the intersection of Neighbors Rd and  
 3-49 Stonebridge Way of the southwest corner of lot 9 N.C.B. 1137B.

3-50 THENCE Travel Northerly along the east ROW of Stonebridge Way  
 3-51 approximately 1,420 ft to the southwest corner of greenway N.C.B.  
 3-52 1137A.

3-53 THENCE Northwesterly Cross the ROW of Stonebridge Way 117 ft to the  
 3-54 southeast corner of lot 10 N.C.B. 1137 the north ROW of Balsam Gap  
 3-55 and west ROW of Stonebridge Way.

3-56 THENCE Westerly along the north ROW of Balsam Way approximately  
 3-57 685' and continue Northwesterly along Balsam Way ROW approximately  
 3-58 520 feet and continue along Balsam Way ROW approximately 420 feet to  
 3-59 the east ROW of FM 2493 of the corner of lot 24 along the east ROW of  
 3-60 FM 2493.

3-61 THENCE Travel North Northeasterly along the east ROW of FM 2493 (Old  
 3-62 Jacksonville Hwy) Approximately 3,380 ft.

3-63 THENCE Northwesterly Cross the ROW of Old Jacksonville Hwy  
 3-64 approximately 76 ft to the southeast corner of lot 10.

3-65 THENCE Northwesterly Along the south line of lot 10 approximately  
 3-66 460 ft to the southeast corner of lot 6 block 1 of Knollwood  
 3-67 Subdivision Unit 3.

3-68 THENCE Northerly Along the east line of lot 6 block 1 of Knollwood  
 3-69 Subdivision Unit 3 approximately 90 ft to the southeast corner of

- 4-1 lot 7 block 1 of Knollwood Subdivision Unit 3.  
4-2 THENCE Northerly Along the east line of lot 7 block 1 of Knollwood  
4-3 Subdivision Unit 3 to the northeast corner at the south ROW of  
4-4 Willowood Dr.  
4-5 THENCE Northerly Cross the ROW of Willowood Dr 60 ft to the  
4-6 southeast corner of lot 25 block 2 of Knollwood Subdivision.  
4-7 THENCE Northerly Along the east line of lot 25 block 2 of Knollwood  
4-8 Subdivision approximately 166 ft to the northeast corner.  
4-9 THENCE Westerly Along the north line of lot 25 block 2 of Knollwood  
4-10 Subdivision approximately 102 ft to northeast corner of lot 24  
4-11 block 2 of Knollwood Subdivision.  
4-12 THENCE Westerly Along the north line of lot 24 block 2 of Knollwood  
4-13 Subdivision approximately 96 ft to the northeast corner of lot 23  
4-14 block 2 of Knollwood Subdivision.  
4-15 THENCE Westerly Along the north line of lot 23 block 2 of Knollwood  
4-16 Subdivision approximately 138 ft to the northeast corner of lot 22  
4-17 block 2 of Knollwood Subdivision.  
4-18 THENCE Westerly Along the north line of 22 block 2 of Knollwood  
4-19 Subdivision approximately 19 ft to northwest corner.  
4-20 THENCE Northwesterly From the northwest corner of 22 block 2 of  
4-21 Knollwood Subdivision travel across approximately the east ROW of  
4-22 Mahar Rd (C R 164).  
4-23 THENCE Northwesterly Cross the ROW of Mahor Rd (C R 164)  
4-24 approximately 133 ft. to the northeast corner of lot 6 N.C.B. 1660B  
4-25 of the west ROW of Mahor Rd (C R 164).  
4-26 THENCE Southwesterly Travel along the west ROW of Mahor Rd (C R 164)  
4-27 approximately 550 ft to the southeast corner of lot 2A N.C.B. 1660E.  
4-28 THENCE West Northwesterly Along the south line of lot 2A N.C.B.  
4-29 1660E approximately 80 ft to the southeast corner of lot 4A N.C.B.  
4-30 1660E.  
4-31 THENCE West Northwesterly Along the south line of lot 4A N.C.B.  
4-32 1660E approximately 73 ft to the southeast corner of lot 10 N.C.B.  
4-33 1660E.  
4-34 THENCE West Northwesterly Along the south line of lot 10 N.C.B.  
4-35 1660E approximately 133 ft to the southwest corner.  
4-36 THENCE North Northeasterly From the southwest corner of lot 10  
4-37 N.C.B. 1660E travel the west line approximately 69 ft to southwest  
4-38 corner of lot 9 N.C.B. 1660E.  
4-39 THENCE North Northeasterly Along the west line of lot 9 N.C.B. 1660E  
4-40 approximately 50 ft to the southwest corner of lot 8 N.C.B. 1660E.  
4-41 THENCE North Northeasterly Along the west line of lot 8 N.C.B. 1660E  
4-42 approximately 50 ft to the southwest corner of lot 7 N.C.B. 1660E.  
4-43 THENCE North Northeasterly Along the west line of lot 7 N.C.B. 1660E  
4-44 approximately 51 ft to the southwest corner of lot 6 N.C.B. 1660E.  
4-45 THENCE North Northeasterly Along the west line of lot 6 N.C.B. 1660E  
4-46 approximately 51 ft to the northwest corner and the southwest  
4-47 corner of lot 7C.  
4-48 THENCE Westerly From the northwest corner of lot 6 N.C.B. 1660E  
4-49 travel along the south line of lot 7C approximately 275 ft to the  
4-50 southeast corner of lot 7 N.C.B. 1660J.  
4-51 THENCE Westerly Along the south line of lot 7 N.C.B. 1660J  
4-52 approximately 206 ft to the southeast corner of lot 7A.  
4-53 THENCE Westerly Along the south line of lot 7A approximately 643 ft  
4-54 to the southwest corner.  
4-55 THENCE Northerly From the southwest corner of lot 7A, travel the  
4-56 west line 1,242 ft to the northwest corner of the side line of lot 5.  
4-57 THENCE Westerly Along the south line of lot 5 approximately 796 ft  
4-58 to the southwest corner and southwest corner of lot 5B.  
4-59 THENCE North Northeasterly From the southwest corner of lot 5 and  
4-60 southwest corner of lot 5B, approximately 426 ft along the west line  
4-61 of lot 5 and south line of lot 5B to the southwest corner of lot 5C.  
4-62 THENCE North Northeasterly Along the south line of lot 5C  
4-63 approximately 406 ft to the southeast corner.  
4-64 THENCE North Northwesterly From the southeast corner of lot 5C  
4-65 along the east line of lot 5C to the northeast corner and south ROW  
4-66 of C R 192 approximately 232 ft.  
4-67 THENCE Northeasterly Travel the south ROW of C R 192 approximately  
4-68 311 ft on west line of lot 5.  
4-69 THENCE Easterly In an east direction approximately 763 ft within

- 5-1 lot 5 along Tyler city limits.
- 5-2 THENCE Southerly along the city limits line within lot 5
- 5-3 approximately 300 ft.
- 5-4 THENCE In a southeasterly direction along the city limits line
- 5-5 within lot 5 approximately 70 ft.
- 5-6 THENCE Northerly along the city limits line within lot 5
- 5-7 approximately 317 ft.
- 5-8 THENCE Easterly along the city limits line within lot 5
- 5-9 approximately 654 ft.
- 5-10 THENCE Southerly along the city limits line within lot 5
- 5-11 approximately 300 ft.
- 5-12 THENCE Easterly along the city limits line within lot 5
- 5-13 approximately 110 ft to the east line of lot 5.
- 5-14 THENCE Northerly along the east line of lot 5 approximately 380 ft
- 5-15 to the north line and south line of lot 16.
- 5-16 THENCE Easterly Along the north line of lot 7A approximately 1,022
- 5-17 ft the northeast corner and southwest corner of the ROW of Three
- 5-18 Lakes Pkwy.
- 5-19 THENCE Cross the ROW of Three Lakes Pkwy approximately 40 ft to the
- 5-20 southwest corner of lot 36 N.C.B. 1660A.
- 5-21 THENCE Northerly Along the west line of lot 36 N.C.B. 1660A
- 5-22 approximately 2,467 ft to the northwest corner and south ROW of Old
- 5-23 Noonday Rd.
- 5-24 THENCE Northerly Travel approximately 290 ft on the east ROW of Old
- 5-25 Noonday Rd and to the southwest corner of lot 1 N.C.B. 1660G.
- 5-26 THENCE Northwesterly From the southwest corner of lot 1 N.C.B.
- 5-27 1660G, cross Old Noonday Rd ROW 56 ft to the southeast corner lot of
- 5-28 24 N.C.B. 1539M.
- 5-29 THENCE Westerly Along the south line of lot 24 N.C.B. 1539M
- 5-30 approximately 1,000. ft to the southeast corner of lot 19 N.C.B.
- 5-31 1539M.
- 5-32 THENCE Westerly Along the south line of lot 19 N.C.B. 1539M
- 5-33 approximately 2,555 ft to the southwest corner.
- 5-34 THENCE Northerly From the southwest corner of lot 19 N.C.B. 1539M
- 5-35 approximately 1,090 ft along the west line to the southwest corner
- 5-36 of lot 2A N.C.B. 1539M.
- 5-37 THENCE Northerly Along the west line of lot 2A N.C.B. 1539M
- 5-38 approximately 266 ft to the southeast corner of lot 1U N.C.B. 1539M.
- 5-39 THENCE Northwesterly Along the south line of lot 1U N.C.B. 1539M
- 5-40 approximately 293 ft.
- 5-41 THENCE In a southwesterly direction approximately 92 ft to the east
- 5-42 ROW of State Hwy 155 S and northwest corner of lot 1E.
- 5-43 THENCE Northeasterly Travel along the east ROW of State Hwy 155 S
- 5-44 and lot 1U N.C.B. 1539M approximately 333 to the northwest corner
- 5-45 and south ROW of W Grande Blvd.
- 5-46 THENCE Westerly Travel along the south ROW of W Grande Blvd
- 5-47 approximately 16,104 ft to S Broadway Ave and the Point of
- 5-48 Beginning.
- 5-49 SECTION 3. (a) The legal notice of the intention to
- 5-50 introduce this Act, setting forth the general substance of this
- 5-51 Act, has been published as provided by law, and the notice and a
- 5-52 copy of this Act have been furnished to all persons, agencies,
- 5-53 officials, or entities to which they are required to be furnished
- 5-54 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
- 5-55 Government Code.
- 5-56 (b) The governor, one of the required recipients, has
- 5-57 submitted the notice and Act to the Texas Commission on
- 5-58 Environmental Quality.
- 5-59 (c) The Texas Commission on Environmental Quality has filed
- 5-60 its recommendations relating to this Act with the governor, the
- 5-61 lieutenant governor, and the speaker of the house of
- 5-62 representatives within the required time.
- 5-63 (d) All requirements of the constitution and laws of this
- 5-64 state and the rules and procedures of the legislature with respect
- 5-65 to the notice, introduction, and passage of this Act are fulfilled
- 5-66 and accomplished.
- 5-67 SECTION 4. This Act takes effect September 1, 2015.

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