

1-1 By: Creighton S.B. No. 996
1-2 (In the Senate - Filed February 21, 2017; March 6, 2017,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 19, 2017, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 19, 2017, 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 Trinity Lakes Municipal Utility
1-18 District of Montgomery County; granting a limited power of eminent
1-19 domain; providing authority to issue bonds; providing authority to
1-20 impose 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 7971 to read as follows:

1-24 CHAPTER 7971. TRINITY LAKES MUNICIPAL UTILITY DISTRICT OF
1-25 MONTGOMERY COUNTY

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 7971.001. DEFINITIONS. In this chapter:

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

1-29 (2) "Commission" means the Texas Commission on
1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Trinity Lakes Municipal
1-33 Utility District of Montgomery County.

1-34 Sec. 7971.002. NATURE OF DISTRICT. The district is a
1-35 municipal utility district created under Section 59, Article XVI,
1-36 Texas Constitution.

1-37 Sec. 7971.003. CONFIRMATION AND DIRECTORS' ELECTION
1-38 REQUIRED. The temporary directors shall hold an election to
1-39 confirm the creation of the district and to elect five permanent
1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 7971.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section 7971.003
1-43 until each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district.

1-47 Sec. 7971.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-48 (a) The district is created to serve a public purpose and benefit.

1-49 (b) The district is created to accomplish the purposes of:

1-50 (1) a municipal utility district as provided by
1-51 general law and Section 59, Article XVI, Texas Constitution; and

1-52 (2) Section 52, Article III, Texas Constitution, that
1-53 relate to the construction, acquisition, improvement, operation,
1-54 or maintenance of macadamized, graveled, or paved roads, or
1-55 improvements, including storm drainage, in aid of those roads.

1-56 Sec. 7971.006. INITIAL DISTRICT TERRITORY. (a) The
1-57 district is initially composed of the territory described by
1-58 Section 2 of the Act enacting this chapter.

1-59 (b) The boundaries and field notes contained in Section 2 of
1-60 the Act enacting this chapter form a closure. A mistake made in the
1-61 field notes or in copying the field notes in the legislative process

2-1 does not affect the district's:

2-2 (1) organization, existence, or validity;

2-3 (2) right to issue any type of bond for the purposes
2-4 for which the district is created or to pay the principal of and
2-5 interest on a bond;

2-6 (3) right to impose a tax; or

2-7 (4) legality or operation.

2-8 SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 7971.051. GOVERNING BODY; TERMS. (a) The district is
2-10 governed by a board of five elected directors.

2-11 (b) Except as provided by Section 7971.052, directors serve
2-12 staggered four-year terms.

2-13 Sec. 7971.052. TEMPORARY DIRECTORS. (a) On or after
2-14 September 1, 2017, the owner or owners of a majority of the assessed
2-15 value of the real property in the district may submit a petition to
2-16 the commission requesting that the commission appoint as temporary
2-17 directors the five persons named in the petition. The commission
2-18 shall appoint as temporary directors the five persons named in the
2-19 petition.

2-20 (b) Temporary directors serve until the earlier of:

2-21 (1) the date permanent directors are elected under
2-22 Section 7971.003; or

2-23 (2) September 1, 2021.

2-24 (c) If permanent directors have not been elected under
2-25 Section 7971.003 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 7971.003; 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. 7971.101. 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. 7971.102. 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. 7971.103. 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. 7971.104. 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. 7971.105. 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. 7971.151. 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 7971.153.

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. 7971.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-20 authorized at an election held under Section 7971.151, 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. 7971.153. 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. 7971.201. 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. 7971.202. 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. 7971.203. 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 Trinity Lakes Municipal Utility District of
 3-53 Montgomery County initially includes all the territory contained in
 3-54 the following area:

3-55 BEING 93.40 acres (4,068,654 square feet) of land, all of the
 3-56 Remainder of a called 48.935 acres, conveyed to David Randall and
 3-57 Sandy Randall, by deed recorded under County Clerk's File Number
 3-58 (C.F.) 2006-032388 Official Public Records of Montgomery County,
 3-59 Texas (O.P.R. M.C.T.) and all of a called 41.296 acres, conveyed to
 3-60 HB American Group, Inc., by deed recorded under C.F. 2016019830
 3-61 O.P.R. M.C.T. and part of FM 2432, 100' Public right-of-way
 3-62 (R.O.W.) lying adjacent to said Remainder and 41.296 acres, said
 3-63 93.40 acre tract lying in the G.W. Lonis Survey, Abstract 313,
 3-64 Ranson Tillons Survey, Abstract 580, Henry Alston Survey, Abstract
 3-65 59, William Hobdy Survey, Abstract 285, John Wilkerson Survey,
 3-66 Abstract 630 and the Jacob Eberly Survey, Abstract 196 and being
 3-67 more particularly described by metes and bounds as follows:

3-68 BEGINNING at a found 1/2 inch iron pipe with Texas State Plane
 3-69 Coordinates, Texas Central NAD 83, Northing 10146503.586, Easting

4-1 3840038.421, in the north right-of-way (R.O.W.) of FM 2432, 100'
4-2 Public R.O.W., marking the common corner of Lots 45 and 46, Block 4,
4-3 Texas National, Section 5, recorded under Cabinet B, Sheet 117 Map
4-4 Records of Montgomery County, Texas (M.R. M.C.T.), also being the
4-5 southeast corner of said Remainder and the herein described tract;
4-6 THENCE along a curve to the right and said north R.O.W., having a
4-7 radius of 2,898.08 feet, a delta angle of 13° 16' 47", and whose long
4-8 chord bears South 60°59'41" West a distance of 670.20 feet to a point
4-9 of curvature of the herein described tract;
4-10 THENCE along a curve to the right and said north R.O.W., having a
4-11 radius of 3,808.23 feet, a delta angle of 03° 10' 00", and whose long
4-12 chord bears South 52°49'16" West a distance of 210.45 feet to a
4-13 concrete monument, marking a point of tangency of the herein
4-14 described tract;
4-15 THENCE South 50°40'39" West, along said north R.O.W., a distance of
4-16 133.24 feet to a point for corner, marking the east corner of the
4-17 herein described tract;
4-18 THENCE South 40°10'22" West, over and across said R.O.W., a distance
4-19 of 100.00 feet to a found 1/2 inch iron rod, marking the most
4-20 northerly corner of a cut-back, from which a TX-DOT Disk bears South
4-21 46°51'32" East, a distance of 8.68 feet;
4-22 THENCE South 03°17'08" East, along said cut-back, a distance of
4-23 12.46 feet to a set 5/8 inch iron rod with cap "Landpoint 10194172"
4-24 in the northwest R.O.W. of Seven Coves Road, public R.O.W. varies,
4-25 marking the most southerly corner of said cut-back;
4-26 THENCE South 40°31'14" West, along said northwest R.O.W., a distance
4-27 of 593.57 feet (called 596.05') to a TX-DOT Disk, marking the
4-28 southeast corner of a called 15.5382 acres, conveyed to Wes
4-29 Schubert and Spouse Stephanie Schubert, by deed recorded C.F.
4-30 2012085128 O.P.R. M.C.T., from which a TX-DOT Disk, bears North
4-31 69°55'16" East, a distance of 0.56 feet;
4-32 THENCE North 03°28'49" West, along the east line of said 15.5382
4-33 acres, a distance of 28.81 feet (called 29.99') to a found 5/8 inch
4-34 iron rod, marking the northeast corner of said 15.5382 acres, also
4-35 being an internal corner of the herein described tract, from which a
4-36 found 1/2 inch iron rod with cap, bears South 10°17'27" East, a
4-37 distance of 0.82 feet;
4-38 THENCE South 86°35'29" West, along the north line of said 15.5382
4-39 acres, a distance of 2167.33 feet (called 2,166.51') to a found 1/2
4-40 inch iron rod in the east R.O.W. of Farrell Road, 60' Public R.O.W.,
4-41 marking the northwest R.O.W. of said 15.5382 acres, also being the
4-42 southwest corner of the herein described tract;
4-43 THENCE North 02°41'49" West, along said east R.O.W., a distance of
4-44 728.95 feet (called 731.20') to a found 1/2 inch iron rod with cap,
4-45 marking the southwest corner of a called 6.368 acres, conveyed to
4-46 Ehlers Management, Inc., by deed recorded under C.F. 2014005771
4-47 O.P.R. M.C.T., also being the northwest corner of the herein
4-48 described tract;
4-49 THENCE North 86°24'55" East, passing at a distance of 1019.11 feet
4-50 along the south line of said 6.368 acres, a called 5.00 acres,
4-51 conveyed to Gary D. Kiddy and Diana K. Kiddy, by deed recorded under
4-52 C.F. 9895647 O.P.R. M.C.T. and a called 4.463 acres, conveyed to Don
4-53 Robinson and wife, Eileen Robinson, by deed recorded under C.F.
4-54 99013144 O.P.R. M.C.T. to a found 5/8 inch iron rod, marking the
4-55 common corner of said 4.463 acres and a called 3.168 acres, conveyed
4-56 to Allen P. Mott Jr. and Marla J. Mott, by deed recorded under C.F.
4-57 2016002862 O.P.R. M.C.T. and continuing for a total distance of
4-58 1065.58 feet (called 1,071.09') to a found 1/2 inch iron rod,
4-59 marking an angle point of the herein described tract;
4-60 THENCE North 86°07'33" East, along the south line of said 3.168
4-61 acres, a distance of 247.75 feet to a found 1/2 inch iron rod,
4-62 marking the common corner of said 3.168 acres and a called 1.6722
4-63 acres, conveyed to Arlene Elizabeth Buchanan Drawdy, by deed
4-64 recorded under C.F. 9536359 O.P.R. M.C.T., marking an angle point
4-65 of the herein described tract;
4-66 THENCE North 85°36'58" East, along the south line of said 1.6722
4-67 acres passing at a distance of 186.38 feet a found 5/8 inch iron
4-68 rod, being the common corner of said 1.6722 acres and 2.1691 acres
4-69 and continuing for a total distance of 204.50 feet to a set 5/8 inch

5-1 iron rod with cap "Landpoint 10194172", marking an angle point of
5-2 the herein described tract;
5-3 THENCE North 88°29'58" East, along the said south line of 2.1691
5-4 acres, a distance of 299.26 feet to a found 2 inch iron pipe,
5-5 marking the southeast corner of said 2.1691 acres, also being an
5-6 internal corner of the herein described tract;
5-7 THENCE North 03°15'20" West, along the east line of said 2.1691
5-8 acres, a distance of 230.63 feet (called 229.79') to a found 1/2
5-9 inch iron rod in said south R.O.W., marking the north corner of said
5-10 41.296 acres;
5-11 THENCE along a curve to the left and said north R.O.W., having a
5-12 radius of 2,819.17 feet, a delta angle of 09° 12' 35", and whose long
5-13 chord bears North 71°21'11" West a distance of 452.66 feet to a
5-14 concrete monument in the north line of said 1.6722 acres, also being
5-15 a point tangency of the herein described tract;
5-16 THENCE North 75°39'54" West, along said south R.O.W., a distance of
5-17 346.79 feet to a point for corner in the north line of said 3.168
5-18 acres, marking an external corner of the herein described tract;
5-19 THENCE North 03°42'57" West, over and across said FM 2432, passing
5-20 at a distance of 105.18 feet a found 3/8 inch iron rod, marking the
5-21 common corner of said Remainder and a called 6.000 acres, conveyed
5-22 to Kent D. Conaster and wife, Tamara M. Conaster, by deed recorded
5-23 under C.F. 9738800 O.P.R. M.C.T., continuing for a total distance
5-24 of 836.69 feet to a found 3/8 inch iron rod, marking the northeast
5-25 corner of said 6.000 acres, also being an internal corner of said
5-26 Remainder and the herein described tract;
5-27 THENCE South 88°16'11" W, along the north line of said 6.000 acres
5-28 and a called 3.003 acres, conveyed to Nathan Palmer and Kimberly
5-29 Palmer, by deed recorded under C.F. 2006-095132 O.P.R. M.C.T.,
5-30 passing at a distance of 386.80 feet a found 1/2 inch iron rod,
5-31 marking the common corner of said 6.000 acres and said 3.003 acres
5-32 and continuing for a total distance of 421.35 feet to a found 1/2
5-33 inch iron pipe and a found 5/8 inch iron rod, marking an angle point
5-34 of said 3.003 acres, the common corner of Lot 18 and 19, Block 1,
5-35 Texas National, Section 1, recorded under Cabinet A, Sheet 189 M.R.
5-36 M.C.T. , also being the most northerly southwest corner of said
5-37 Remainder and the herein described tract;
5-38 THENCE North 02°44'12" West, along east line of said Lot 18 and 19,
5-39 Block 1 and Lots 29 thru 43, the Amending Plat of Texas National
5-40 Country Club Homes, by deed recorded under Cabinet A, Sheet 190 M.R.
5-41 M.C.T, a distance of 1129.53 feet to a set 5/8 inch iron rod with cap
5-42 "Landpoint 10194172", marking the southwest corner of a called
5-43 0.797 acres, conveyed to The C.L. McIlvain Family Trust, by deed
5-44 recorded under C.F. 2008-088344 O.P.R. M.C.T., also being the
5-45 northwest corner of the herein described tract;
5-46 THENCE North 87°02'59" East, along the south line of said 0.797
5-47 acres, a distance of 235.39 feet to a point for corner, marking the
5-48 southeast corner of said 0.797 acres, also being an internal corner
5-49 of the herein described tract, from which a found 1/2 inch iron rod
5-50 with cap, bears South 55°38' 33" West a distance of 0.49 feet;
5-51 THENCE North 02°44'12" West, along the east line of said 0.797
5-52 acres, a distance of 147.47 feet to a found 1/2 inch iron, marking
5-53 the common corner of Lots 3 and 4, Block 4, Texas National, Section
5-54 2, recorded under Cabinet B, Sheet 35 M.R. M.C.T., also being an
5-55 external corner of the herein described tract;
5-56 THENCE North 87°02'59" East, along Lot 4 thru 15, said Block 4, Texas
5-57 National, Section 2, passing at a distance of 75.00 feet a found 1/2
5-58 inch iron, marking the common corner of said Lots 4 and 5, passing
5-59 at a distance of 525.10 feet a found 1/2 inch iron, marking the
5-60 common corner of said Lots 10 and 11, passing at a distance of
5-61 600.10 feet a found 1/2 inch iron, marking the common corner of said
5-62 Lots 11 and 12, passing at a distance of 675.00 feet a found 1/2 inch
5-63 iron, marking the common corner of said Lots 12 and 13, passing at a
5-64 distance of 755.00 feet a found 1/2 inch iron, marking the common
5-65 corner of said Lots 13 and 14 and continuing for a total a distance
5-66 of 918.50 feet to a found 1/2 inch iron pipe in the west line of Lot
5-67 17, said Block 4, Texas National, Section 2, marking the southeast
5-68 corner of said Lot 15, also being the northeast corner of said
5-69 Remainder and the herein described tract;

6-1 THENCE South 03°30'52" East, along the west line of Lots 17 thru 28,
6-2 Block 4, Texas National, Section 2 and Lots 29 thru 45, said Block
6-3 4, Texas National, Section 5, a distance of 2279.72 feet to a found
6-4 1/2 inch iron pipe, being said southeast corner of said Remainder
6-5 and the POINT OF BEGINNING and containing a computed 93.40 acres
6-6 (4,068,654 square feet) of land.

6-7 SECTION 3. (a) The legal notice of the intention to
6-8 introduce this Act, setting forth the general substance of this
6-9 Act, has been published as provided by law, and the notice and a
6-10 copy of this Act have been furnished to all persons, agencies,
6-11 officials, or entities to which they are required to be furnished
6-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-13 Government Code.

6-14 (b) The governor, one of the required recipients, has
6-15 submitted the notice and Act to the Texas Commission on
6-16 Environmental Quality.

6-17 (c) The Texas Commission on Environmental Quality has filed
6-18 its recommendations relating to this Act with the governor, the
6-19 lieutenant governor, and the speaker of the house of
6-20 representatives within the required time.

6-21 (d) All requirements of the constitution and laws of this
6-22 state and the rules and procedures of the legislature with respect
6-23 to the notice, introduction, and passage of this Act are fulfilled
6-24 and accomplished.

6-25 SECTION 4. (a) If this Act does not receive a two-thirds
6-26 vote of all the members elected to each house, Subchapter C, Chapter
6-27 7971, Special District Local Laws Code, as added by Section 1 of
6-28 this Act, is amended by adding Section 7971.106 to read as follows:

6-29 Sec. 7971.106. NO EMINENT DOMAIN POWER. The district may
6-30 not exercise the power of eminent domain.

6-31 (b) This section is not intended to be an expression of a
6-32 legislative interpretation of the requirements of Section 17(c),
6-33 Article I, Texas Constitution.

6-34 SECTION 5. This Act takes effect September 1, 2017.

6-35 * * * * *