

1-1 By: Kolkhorst S.B. No. 2251
 1-2 (In the Senate - Filed March 23, 2017; April 3, 2017, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 26, 2017, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; April 26, 2017, 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 Huffines	X			
1-12 Menéndez			X	
1-13 Taylor of Collin	X			

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

1-17 relating to the creation of the Fort Bend County Municipal Utility
 1-18 District No. 224; 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 7969 to read as follows:

1-24 CHAPTER 7969. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 224
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7969.001. 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 Fort Bend County Municipal
 1-32 Utility District No. 224.

1-33 Sec. 7969.002. 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. 7969.003. 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. 7969.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section 7969.003
 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. 7969.005. 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. 7969.006. 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. 7969.051. 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 7969.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7969.052. 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 7969.003; 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 7969.003 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 7969.003; 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. 7969.101. 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. 7969.102. 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. 7969.103. 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. 7969.104. 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. 7969.105. 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. 7969.151. 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 7969.153.

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. 7969.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7969.151, 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. 7969.153. 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. 7969.201. 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. 7969.202. 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. 7969.203. 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 Fort Bend County Municipal Utility District
3-53 No. 224 initially includes all the territory contained in the
3-54 following area:

3-55 A METES & BOUNDS description of a 178.52 acre tract of land in
3-56 the Thomas Westall League, Abstract 92, Fort Bend County, Texas,
3-57 being comprised of that certain called 1.127 acre tract recorded
3-58 under County Clerk's File Number 2007044630, Official Public
3-59 Records, Fort Bend County, Texas, and that certain called 56.470
3-60 acre tract and portions of those certain called 55.480 acre and
3-61 called 73.831 acre tracts recorded under County Clerk's File Number
3-62 2004143701, Official Public Records, Fort Bend County, Texas, with
3-63 all bearings based upon the Texas Coordinate System, South Central
3-64 Zone, NAD83, based upon GPS observations.

3-65 Beginning at a 5/8 inch iron rod with cap marked "1535-4035"
3-66 found in the northeast right-of-way line of F. M. Highway 1489
3-67 (100-foot wide) for the south corner of said called 56.470 acre
3-68 tract, same being the west corner of an adjoining called 154 ± acre
3-69 tract as recorded under Probate File Number 016127, Probate

4-1 Records, Fort Bend County, Texas, for the south corner and Place of
4-2 Beginning of the herein described tract;

4-3 Thence North 35 degrees 42 minutes 52 seconds West along the
4-4 southwest line of the herein described tract, same being the
4-5 northeast right-of-way line of F. M. Highway 1489, at 783.00 feet
4-6 pass a 5/8 inch iron rod with cap marked "1535-4035" found on said
4-7 line for the west corner of said called 56.470 acre tract, being in
4-8 the southerly right-of-way line of Vernon Frost Road (60-foot
4-9 wide), at 843.62 feet pass a 5/8 inch iron rod with cap marked
4-10 "1535-4035" found on said line for the south corner of the
4-11 aforementioned called 55.480 acre tract, being in the northerly
4-12 right-of-way line of Vernon Frost Road, and continuing for a total
4-13 distance of 1,593.71 feet to a point on said line at its
4-14 intersection with the existing northeasterly line of the
4-15 Extraterritorial Jurisdictional limits of the City of Simonton,
4-16 being one-half mile from the corporate limits of the City of
4-17 Simonton as established by Ordinance Number 980108 of the City
4-18 Council of Simonton, for the lower west corner of the herein
4-19 described tract, said point being in a non-tangent curve to the
4-20 left;

4-21 Thence along said non-tangent curve to the left, being the
4-22 northeasterly line of the Extraterritorial Jurisdictional limits
4-23 of the City of Simonton, having a central angle of 45 degrees 15
4-24 minutes 50 seconds, a radius of 2,640.00 feet, an arc length of
4-25 2,085.61 feet, and a chord bearing North 28 degrees 01 minute 05
4-26 seconds West, 2,031.80 feet to a point on said line at its
4-27 intersection with the west line of the aforementioned called 73.831
4-28 acre tract for the upper west corner of the herein described tract,
4-29 said point being in the east right-of-way line of F. M. Highway
4-30 1489;

4-31 Thence North 05 degrees 05 minutes 04 seconds West along the
4-32 upper west line of the herein described tract, same being the east
4-33 right-of-way line of F. M. Highway 1489, 378.70 feet to a 5/8 inch
4-34 iron rod with cap marked "1535-4035" found for the northwest corner
4-35 of the herein described tract and said called 73.831 acre tract,
4-36 same being a southwest corner of an adjoining called 100.171 acre
4-37 tract recorded in Volume 1833, Page 438, Official Records, Fort
4-38 Bend County, Texas;

4-39 Thence North 88 degrees 58 minutes 41 seconds East along the
4-40 upper north line of the herein described tract and the north line of
4-41 said called 73.831 acre tract, same being a southwest line of said
4-42 adjoining called 100.171 acre tract, 2,488.56 feet to the upper
4-43 northeast corner of the herein described tract, being the northeast
4-44 corner of said called 73.831 acre tract, same being the northwest
4-45 corner of an adjoining called 18.00 acre tract recorded under
4-46 County Clerk's File Number 2000043870, Official Public Records,
4-47 Fort Bend County, Texas;

4-48 Thence South 00 degrees 59 minutes 54 seconds East along the
4-49 east line of said called 73.831 acre tract, same being the west line
4-50 of said adjoining called 18.00 acre tract, 948.59 feet to the
4-51 southeast corner of said called 73.831 acre tract, same being the
4-52 southwest corner of said adjoining called 18.00 acre tract, and
4-53 being in the north line of the aforementioned called 55.480 acre
4-54 tract, as located in the centerline of Bessie's Creek;

4-55 Thence along the centerline of Bessie's Creek with the
4-56 following meanders:

4-57 North 54 degrees 11 minutes 36 seconds East, 133.89
4-58 feet;

4-59 North 71 degrees 49 minutes 46 seconds East, 212.50 feet
4-60 to the northeast corner of said called 55.480 acre tract, being a
4-61 northwest corner of an adjoining portion of the Vernon Frost Estate
4-62 recorded under Probate File Number 016127, Probate Records, Fort
4-63 Bend County, Texas;

4-64 Thence South 03 degrees 22 minutes 17 seconds West along the
4-65 east line of said called 55.480 acre tract, same being a west line
4-66 of said adjoining Vernon Frost Estate, 275.66 feet to an angle
4-67 point;

4-68 Thence South 06 degrees 04 minutes 43 seconds East continuing
4-69 along said line, at 982.05 feet pass a 5/8 inch iron rod found on

5-1 said line at its intersection with the northerly right-of-way line
5-2 of Vernon Frost Road for the southeast corner of said called 55.480
5-3 acre tract, and continuing for a total distance of 1,046.49 feet to
5-4 a point for a reentry corner to the herein described tract being in
5-5 the southerly right-of-way line of Vernon Frost Road, same being
5-6 the northerly line of the aforementioned called 56.470 acre tract;

5-7 Thence North 62 degrees 30 minutes 22 seconds East along the
5-8 southerly right-of-way line of Vernon Frost Road, same being the
5-9 northerly line of said called 56.470 acre tract, 274.12 feet to a
5-10 5/8 inch iron rod with cap marked "1535-4035" found for angle point;

5-11 Thence South 85 degrees 35 minutes 20 seconds East continuing
5-12 along said line, 1,372.06 feet to a 5/8 inch iron rod with cap
5-13 marked "1535-4035" found for the lower northeast corner of the
5-14 herein described tract and the northeast corner of said called
5-15 56.470 acre tract, same being the upper northwest corner of the
5-16 aforementioned adjoining called 154 ± acre tract;

5-17 Thence South 04 degrees 24 minutes 40 seconds West along the
5-18 common line of the herein described tract and said adjoining called
5-19 154 ± acre tract, 883.00 feet to the southeast corner of said called
5-20 56.470 acre tract;

5-21 Thence North 85 degrees 35 minutes 20 seconds West continuing
5-22 along said common line, 1,324.09 feet to an angle point;

5-23 Thence South 62 degrees 30 minutes 22 seconds West continuing
5-24 along said common line, 1,369.17 feet to the Place of Beginning and
5-25 containing 178.52 acres of land, more or less.

5-26 SECTION 3. (a) The legal notice of the intention to
5-27 introduce this Act, setting forth the general substance of this
5-28 Act, has been published as provided by law, and the notice and a
5-29 copy of this Act have been furnished to all persons, agencies,
5-30 officials, or entities to which they are required to be furnished
5-31 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-32 Government Code.

5-33 (b) The governor, one of the required recipients, has
5-34 submitted the notice and Act to the Texas Commission on
5-35 Environmental Quality.

5-36 (c) The Texas Commission on Environmental Quality has filed
5-37 its recommendations relating to this Act with the governor, the
5-38 lieutenant governor, and the speaker of the house of
5-39 representatives within the required time.

5-40 (d) All requirements of the constitution and laws of this
5-41 state and the rules and procedures of the legislature with respect
5-42 to the notice, introduction, and passage of this Act are fulfilled
5-43 and accomplished.

5-44 SECTION 4. (a) If this Act does not receive a two-thirds
5-45 vote of all the members elected to each house, Subchapter C, Chapter
5-46 7969, Special District Local Laws Code, as added by Section 1 of
5-47 this Act, is amended by adding Section 7969.106 to read as follows:

5-48 Sec. 7969.106. NO EMINENT DOMAIN POWER. The district may
5-49 not exercise the power of eminent domain.

5-50 (b) This section is not intended to be an expression of a
5-51 legislative interpretation of the requirements of Section 17(c),
5-52 Article I, Texas Constitution.

5-53 SECTION 5. This Act takes effect immediately if it receives
5-54 a vote of two-thirds of all the members elected to each house, as
5-55 provided by Section 39, Article III, Texas Constitution. If this
5-56 Act does not receive the vote necessary for immediate effect, this
5-57 Act takes effect September 1, 2017.

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