

1-1 By: Bell of Montgomery (Senate Sponsor - Nichols) H.B. No. 4710  
1-2 (In the Senate - Received from the House May 6, 2019;  
1-3 May 6, 2019, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 17, 2019, reported favorably by  
1-5 the following vote: Yeas 7, Nays 0; May 17, 2019, 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 Montgomery County Municipal Utility  
1-18 District No. 180; 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 8083 to read as follows:

1-24 CHAPTER 8083. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 180

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8083.0101. 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. 180.

1-33 Sec. 8083.0102. 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. 8083.0103. CONFIRMATION AND DIRECTOR 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. 8083.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
1-41 temporary directors may not hold an election under Section  
1-42 8083.0103 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. 8083.0105. 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. 8083.0106. 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. 8083.0201. 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 8083.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8083.0202. 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 8083.0103; 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 8083.0103 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 8083.0103; 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. 8083.0301. GENERAL POWERS AND DUTIES. The district

2-42 has the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 8083.0302. 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. 8083.0303. 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. 8083.0304. 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. 8083.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

3-1 applicable requirements of any ordinance or resolution that is  
 3-2 adopted under Section 54.016 or 54.0165, Water Code, and that  
 3-3 consents to the creation of the district or to the inclusion of land  
 3-4 in the district.

3-5 Sec. 8083.0306. DIVISION OF DISTRICT. (a) The district may  
 3-6 be divided into two or more new districts only if the district:

3-7 (1) has never issued any bonds; and

3-8 (2) is not imposing ad valorem taxes.

3-9 (b) This chapter applies to any new district created by the  
 3-10 division of the district, and a new district has all the powers and  
 3-11 duties of the district.

3-12 (c) A new district created by the division of the district  
 3-13 may not, at the time the new district is created, contain any land  
 3-14 outside the area described by Section 2 of the Act enacting this  
 3-15 chapter.

3-16 (d) The board, on its own motion or on receipt of a petition  
 3-17 signed by the owner or owners of a majority of the assessed value of  
 3-18 the real property in the district, may adopt an order dividing the  
 3-19 district.

3-20 (e) The board may adopt an order dividing the district  
 3-21 before or after the date the board holds an election under Section  
 3-22 8083.0103 to confirm the district's creation.

3-23 (f) An order dividing the district shall:

3-24 (1) name each new district;

3-25 (2) include the metes and bounds description of the  
 3-26 territory of each new district;

3-27 (3) appoint temporary directors for each new district;

3-28 and

3-29 (4) provide for the division of assets and liabilities  
 3-30 between the new districts.

3-31 (g) On or before the 30th day after the date of adoption of  
 3-32 an order dividing the district, the district shall file the order  
 3-33 with the commission and record the order in the real property  
 3-34 records of each county in which the district is located.

3-35 (h) A new district created by the division of the district  
 3-36 shall hold a confirmation and directors' election as required by  
 3-37 Section 8083.0103.

3-38 (i) If the creation of the new district is confirmed, the  
 3-39 new district shall provide the election date and results to the  
 3-40 commission.

3-41 (j) Any new district created by the division of the district  
 3-42 must hold an election as required by this chapter to obtain voter  
 3-43 approval before the district may impose a maintenance tax or issue  
 3-44 bonds payable wholly or partly from ad valorem taxes.

3-45 (k) Municipal consent to the creation of the district and to  
 3-46 the inclusion of land in the district granted under Section  
 3-47 8083.0104 acts as municipal consent to the creation of any new  
 3-48 district created by the division of the district and to the  
 3-49 inclusion of land in the new district.

#### 3-50 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-51 Sec. 8083.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
 3-52 The district may issue, without an election, bonds and other  
 3-53 obligations secured by:

3-54 (1) revenue other than ad valorem taxes; or

3-55 (2) contract payments described by Section 8083.0403.

3-56 (b) The district must hold an election in the manner  
 3-57 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-58 before the district may impose an ad valorem tax or issue bonds  
 3-59 payable from ad valorem taxes.

3-60 (c) The district may not issue bonds payable from ad valorem  
 3-61 taxes to finance a road project unless the issuance is approved by a  
 3-62 vote of a two-thirds majority of the district voters voting at an  
 3-63 election held for that purpose.

3-64 Sec. 8083.0402. OPERATION AND MAINTENANCE TAX. (a) If  
 3-65 authorized at an election held under Section 8083.0401, the  
 3-66 district may impose an operation and maintenance tax on taxable  
 3-67 property in the district in accordance with Section 49.107, Water  
 3-68 Code.

3-69 (b) The board shall determine the tax rate. The rate may not

4-1 exceed the rate approved at the election.

4-2 Sec. 8083.0403. CONTRACT TAXES. (a) In accordance with  
 4-3 Section 49.108, Water Code, the district may impose a tax other than  
 4-4 an operation and maintenance tax and use the revenue derived from  
 4-5 the tax to make payments under a contract after the provisions of  
 4-6 the contract have been approved by a majority of the district voters  
 4-7 voting at an election held for that purpose.

4-8 (b) A contract approved by the district voters may contain a  
 4-9 provision stating that the contract may be modified or amended by  
 4-10 the board without further voter approval.

4-11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-12 Sec. 8083.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
 4-13 OBLIGATIONS. The district may issue bonds or other obligations  
 4-14 payable wholly or partly from ad valorem taxes, impact fees,  
 4-15 revenue, contract payments, grants, or other district money, or any  
 4-16 combination of those sources, to pay for any authorized district  
 4-17 purpose.

4-18 Sec. 8083.0502. TAXES FOR BONDS. At the time the district  
 4-19 issues bonds payable wholly or partly from ad valorem taxes, the  
 4-20 board shall provide for the annual imposition of a continuing  
 4-21 direct ad valorem tax, without limit as to rate or amount, while all  
 4-22 or part of the bonds are outstanding as required and in the manner  
 4-23 provided by Sections 54.601 and 54.602, Water Code.

4-24 Sec. 8083.0503. BONDS FOR ROAD PROJECTS. At the time of  
 4-25 issuance, the total principal amount of bonds or other obligations  
 4-26 issued or incurred to finance road projects and payable from ad  
 4-27 valorem taxes may not exceed one-fourth of the assessed value of the  
 4-28 real property in the district.

4-29 SECTION 2. The Montgomery County Municipal Utility District  
 4-30 No. 180 initially includes all the territory contained in the  
 4-31 following area:

4-32 TRACT 1:

4-33 Being 303.862 acres of land situated in the Lorenzo Jones  
 4-34 Survey, A-294, and the Joseph B. Artoff Survey, A-56, Montgomery  
 4-35 County, Texas, and being out of a residual of a certain 1731.823  
 4-36 acres of land as described in deed recorded under County Clerk's  
 4-37 File No. 2007-032747 of the Real Property Records of Montgomery  
 4-38 County, Texas, said 303.862 acres of land being more particularly  
 4-39 described by metes and bounds as follows:

4-40 BEGINNING at a 5/8 inch iron rod with survey cap (Moyer) found  
 4-41 in the east line of F.M. 1486, a 100 foot right-of-way, for the  
 4-42 northwest corner of a certain 73.082 acres of land as described in  
 4-43 deed recorded under County Clerk's File No. 2008-033746 of the Real  
 4-44 Property Records of Montgomery County, Texas, same being the  
 4-45 southwest corner and POINT OF BEGINNING of the herein described  
 4-46 tract;

4-47 THENCE North 02 degrees 35 minutes 18 seconds West, along the  
 4-48 east line of said F.M. 1486 and the west boundary line of the herein  
 4-49 described tract, a distance of 1424.40 feet to a 5/8 inch iron rod  
 4-50 with survey cap (Moyer) set for the northwest corner of the herein  
 4-51 described tract;

4-52 THENCE North 87 degrees 31 minutes 51 seconds East, severing  
 4-53 the said residual of 1731.823 acres of land along the north boundary  
 4-54 line of the herein described tract, a distance of 9,294.00 feet to a  
 4-55 5/8 inch iron rod with survey cap (Moyer) set for the northeast  
 4-56 corner of the herein described tract;

4-57 THENCE South 02 degrees 28 minutes 09 seconds East, severing  
 4-58 the said 1731.823 acres of land along the east boundary line of the  
 4-59 herein described tract, a distance of 1424.40 feet to a 5/8 inch  
 4-60 iron rod with survey cap (Moyer) set for the southeast corner of the  
 4-61 herein described tract;

4-62 THENCE South 87 degrees 31 minutes 51 seconds West, severing  
 4-63 the said 1731.823 acres of land along the south boundary line of the  
 4-64 herein described tract, passing at 787.06 feet, a 5/8 inch iron rod  
 4-65 with survey cap (Moyer) found for reference and the northeast  
 4-66 corner of a certain 300.000 acres of land as described in deed  
 4-67 recorded under County Clerk's File No. 2007-058588 of the Real  
 4-68 Property Records of Montgomery County, Texas, passing at 6,862.31  
 4-69 feet a 5/8 inch iron rod with survey cap (Moyer) found for reference

5-1 and the northwest corner of the said 300.000 acres of land common to  
 5-2 the northeast corner of the said 73.082 acres of land continuing in  
 5-3 all a distance of 9291.04 feet to the POINT OF BEGINNING and  
 5-4 containing 303.862 acres of land.

5-5 TRACT 2:

5-6 Being 362.014 acres of land situated in the Joseph M.  
 5-7 Robinson Survey, A-450; the Lorenzo Jones Survey, A-294; and the  
 5-8 Joseph B. Artoff Survey, A-56, Montgomery County, Texas, and being  
 5-9 out of a residual of a certain 1731.823 acres of land as described  
 5-10 in deed recorded under County Clerk's File No. 2007-032747 of the  
 5-11 Real Property Records of Montgomery County, Texas, said 362.014  
 5-12 acres of land being more particularly described by metes and bounds  
 5-13 as follows:

5-14 BEGINNING at a 5/8 inch iron rod with survey cap (Moyer) set  
 5-15 in the east line of F.M. 1486 for the southwest corner of a certain  
 5-16 640.75 acres of land as described in deed recorded under County  
 5-17 Clerk's File No. 9726626 of the Real Property Records of Montgomery  
 5-18 County, Texas, and the northwest corner of the herein described  
 5-19 tract from which a masonry nail found for reference and the  
 5-20 northwest corner of the said 1731.823 acres of land bears South 87  
 5-21 degrees 31 minutes 52 seconds West, a distance of 50.00 feet;

5-22 THENCE North 87 degrees 31 minutes 52 seconds East, along the  
 5-23 south boundary line of the said 640.75 acres of land common to the  
 5-24 north boundary line of the herein described tract, a distance of  
 5-25 10,062.09 feet to a 5/8 inch iron rod with survey cap (Moyer) set  
 5-26 for the northwest corner of a certain 19.000 acres of land as  
 5-27 described in deed recorded under County Clerk's File  
 5-28 No. 2009-107508 of the Real Property Records of Montgomery County,  
 5-29 Texas, and the northeast corner of the herein described tract;

5-30 THENCE South 04 degrees 28 minutes 21 seconds East, along the  
 5-31 west boundary line of the said 19.000 acres of land and continuing  
 5-32 along the west boundary line of a 33.000 acre residual out of 52.000  
 5-33 acres of land as described in deed recorded under County Clerk's  
 5-34 File No. 2008-106440 of the Real Property Records of Montgomery  
 5-35 County, Texas, same being the east boundary line of the herein  
 5-36 described tract, a distance of 1857.28 feet to a 5/8 inch iron rod  
 5-37 with survey cap (Moyer) set for the southwest corner of the said  
 5-38 52.000 acres of land and an easterly interior corner of the herein  
 5-39 described tract;

5-40 THENCE South 74 degrees 44 minutes 59 seconds East, along the  
 5-41 southwest boundary line of the said 52.000 acres of land and a  
 5-42 southeasterly boundary line of the herein described tract, a  
 5-43 distance of 541.99 feet to a 5/8 inch iron rod with survey cap  
 5-44 (Moyer) set for an interior southerly corner of the said 52.000  
 5-45 acres of land and a southeasterly corner of the herein described  
 5-46 tract;

5-47 THENCE South 04 degrees 28 minutes 21 seconds East, along a  
 5-48 southerly boundary line of the said 52.000 acres of land and the  
 5-49 most easterly southeast boundary line of the herein described  
 5-50 tract, passing at 372.00 feet, a 5/8 inch iron rod with survey cap  
 5-51 (Moyer) set for reference, continuing in all, a distance of 437.87  
 5-52 feet to a 5/8 inch iron rod with survey cap (Moyer) set in a curve in  
 5-53 the northeast boundary line of a certain 98.000 acres of land as  
 5-54 described in deed recorded under County Clerk's File  
 5-55 No. 2009-031792 of the Real Property Records of Montgomery County,  
 5-56 Texas, for a southwesterly corner of the said 52.000 acres of land  
 5-57 and the southeast corner of the herein described tract;

5-58 THENCE in a northwesterly direction along the northeast  
 5-59 boundary line of the said 98.000 acres of land and a southeast  
 5-60 boundary line of the herein described tract along a non-tangent  
 5-61 curve to the left having as its elements: a radius of 1970.00 feet,  
 5-62 a central angle of 07 degrees 02 minutes 06 seconds, an arc length  
 5-63 of 241.88 feet, and a chord bearing of North 73 degrees 13 minutes  
 5-64 22 seconds West, a distance of 241.73 feet to a 5/8 inch iron rod  
 5-65 with survey cap (Moyer) set for the most northerly northeast corner  
 5-66 of the said 98.000 acres of land and an interior southeasterly  
 5-67 corner of the herein described tract;

5-68 THENCE South 53 degrees 16 minutes 44 seconds West, along a  
 5-69 northerly boundary line of the said 98.000 acres of land and a

6-1 southeasterly boundary line of the herein described tract, a  
6-2 distance of 835.71 feet to a 5/8 inch iron rod with survey cap  
6-3 (Moyer) set for a northerly angle point of the said 98.000 acres of  
6-4 land and a southeasterly angle point of the herein described tract;

6-5 THENCE South 87 degrees 31 minutes 51 seconds West,  
6-6 continuing along the north boundary line of the said 98.000 acres of  
6-7 land and a southeast boundary line of the herein described tract, a  
6-8 distance of 442.64 feet to a 5/8 inch iron rod with survey cap  
6-9 (Moyer) set for the southeast corner of a certain 303.862 acres of  
6-10 land as described in deed recorded under County Clerk's File  
6-11 No. 2009-002342 of the Real Property Records of Montgomery County,  
6-12 Texas, and the most southerly southeast corner of the herein  
6-13 described tract;

6-14 THENCE North 02 degrees 28 minutes 09 seconds West, along the  
6-15 east boundary line of the said 303.862 acres of land common to the  
6-16 westerly southeast boundary line of the herein described tract, a  
6-17 distance of 1424.40 feet to a 5/8 inch iron rod with survey cap  
6-18 (Moyer) set for the northeast corner of the said 303.862 acres of  
6-19 land and an interior southeasterly corner of the herein described  
6-20 tract;

6-21 THENCE South 87 degrees 31 minutes 51 seconds West, along the  
6-22 north boundary line of the said 303.862 acres of land common to the  
6-23 south boundary line of the herein described tract, a distance of  
6-24 9,294.00 feet to a 5/8 inch iron rod with survey cap (Moyer) set in  
6-25 the east line of said F.M. 1486 for the northwest corner of the said  
6-26 303.862 acres of land and the southwest corner of the herein  
6-27 described tract;

6-28 THENCE North 02 degrees 35 minutes 18 seconds West, along the  
6-29 east line of said F.M. 1486 and the west boundary line of the herein  
6-30 described tract, a distance of 1425.04 feet to the POINT OF  
6-31 BEGINNING and containing 362.014 acres of land.

6-32 SECTION 3. (a) The legal notice of the intention to  
6-33 introduce this Act, setting forth the general substance of this  
6-34 Act, has been published as provided by law, and the notice and a  
6-35 copy of this Act have been furnished to all persons, agencies,  
6-36 officials, or entities to which they are required to be furnished  
6-37 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6-38 Government Code.

6-39 (b) The governor, one of the required recipients, has  
6-40 submitted the notice and Act to the Texas Commission on  
6-41 Environmental Quality.

6-42 (c) The Texas Commission on Environmental Quality has filed  
6-43 its recommendations relating to this Act with the governor, the  
6-44 lieutenant governor, and the speaker of the house of  
6-45 representatives within the required time.

6-46 (d) All requirements of the constitution and laws of this  
6-47 state and the rules and procedures of the legislature with respect  
6-48 to the notice, introduction, and passage of this Act are fulfilled  
6-49 and accomplished.

6-50 SECTION 4. (a) If this Act does not receive a two-thirds  
6-51 vote of all the members elected to each house, Subchapter C, Chapter  
6-52 8083, Special District Local Laws Code, as added by Section 1 of  
6-53 this Act, is amended by adding Section 8083.0307 to read as follows:

6-54 Sec. 8083.0307. NO EMINENT DOMAIN POWER. The district may  
6-55 not exercise the power of eminent domain.

6-56 (b) This section is not intended to be an expression of a  
6-57 legislative interpretation of the requirements of Section 17(c),  
6-58 Article I, Texas Constitution.

6-59 SECTION 5. This Act takes effect immediately if it receives  
6-60 a vote of two-thirds of all the members elected to each house, as  
6-61 provided by Section 39, Article III, Texas Constitution. If this  
6-62 Act does not receive the vote necessary for immediate effect, this  
6-63 Act takes effect September 1, 2019.

6-64

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