

1-1 By: Rogers (Senate Sponsor - Springer) H.B. No. 4578  
 1-2 (In the Senate - Received from the House May 3, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on Local  
 1-4 Government; May 19, 2021, reported favorably by the following  
 1-5 vote: Yeas 9, Nays 0; May 19, 2021, 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	X			
1-16	X			

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

1-19 relating to the creation of the Lakeview Point Municipal Utility  
 1-20 District of Palo Pinto County; granting a limited power of eminent  
 1-21 domain; providing authority to issue bonds; providing authority to  
 1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
 1-25 Code, is amended by adding Chapter 8483 to read as follows:

1-26 CHAPTER 8483. LAKEVIEW POINT MUNICIPAL UTILITY DISTRICT OF PALO  
 1-27 PINTO COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 8483.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on  
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Lakeview Point Municipal  
 1-35 Utility District of Palo Pinto County.

1-36 Sec. 8483.0102. NATURE OF DISTRICT. The district is a  
 1-37 municipal utility district created under Section 59, Article XVI,  
 1-38 Texas Constitution.

1-39 Sec. 8483.0103. CONFIRMATION AND DIRECTOR ELECTION  
 1-40 REQUIRED. The temporary directors shall hold an election to  
 1-41 confirm the creation of the district and to elect five permanent  
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 8483.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-44 temporary directors may not hold an election under Section  
 1-45 8483.0103 until each municipality in whose corporate limits or  
 1-46 extraterritorial jurisdiction the district is located has  
 1-47 consented by ordinance or resolution to the creation of the  
 1-48 district and to the inclusion of land in the district.

1-49 Sec. 8483.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a municipal utility district as provided by  
 1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that  
 1-55 relate to the construction, acquisition, improvement, operation,  
 1-56 or maintenance of macadamized, graveled, or paved roads, or  
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 8483.0106. INITIAL DISTRICT TERRITORY. (a) The  
 1-59 district is initially composed of the territory described by  
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the  
 2-2 field notes or in copying the field notes in the legislative process  
 2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes  
 2-6 for which the district is created or to pay the principal of and  
 2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 8483.0201. GOVERNING BODY; TERMS. (a) The district is  
 2-12 governed by a board of five elected directors.

2-13 (b) Except as provided by Section 8483.0202, directors  
 2-14 serve staggered four-year terms.

2-15 Sec. 8483.0202. TEMPORARY DIRECTORS. (a) The temporary  
 2-16 directors are as follows:

- 2-17 (1) Brad Andrus;
- 2-18 (2) Josh Westrom;
- 2-19 (3) Casey Griffin;
- 2-20 (4) CB Standridge; and
- 2-21 (5) Chad Jacobson.

2-22 (b) Temporary directors serve until the earlier of:

- 2-23 (1) the date permanent directors are elected under  
 2-24 Section 8483.0103; or
- 2-25 (2) the fourth anniversary of the effective date of  
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under  
 2-28 Section 8483.0103 and the terms of the temporary directors have  
 2-29 expired, successor temporary directors shall be appointed or  
 2-30 reappointed as provided by Subsection (d) to serve terms that  
 2-31 expire on the earlier of:

- 2-32 (1) the date permanent directors are elected under  
 2-33 Section 8483.0103; or
- 2-34 (2) the fourth anniversary of the date of the  
 2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a  
 2-37 majority of the assessed value of the real property in the district  
 2-38 may submit a petition to the commission requesting that the  
 2-39 commission appoint as successor temporary directors the five  
 2-40 persons named in the petition. The commission shall appoint as  
 2-41 successor temporary directors the five persons named in the  
 2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 8483.0301. GENERAL POWERS AND DUTIES. The district  
 2-45 has the powers and duties necessary to accomplish the purposes for  
 2-46 which the district is created.

2-47 Sec. 8483.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-48 DUTIES. The district has the powers and duties provided by the  
 2-49 general law of this state, including Chapters 49 and 54, Water Code,  
 2-50 applicable to municipal utility districts created under Section 59,  
 2-51 Article XVI, Texas Constitution.

2-52 Sec. 8483.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-53 52, Article III, Texas Constitution, the district may design,  
 2-54 acquire, construct, finance, issue bonds for, improve, operate,  
 2-55 maintain, and convey to this state, a county, or a municipality for  
 2-56 operation and maintenance macadamized, graveled, or paved roads, or  
 2-57 improvements, including storm drainage, in aid of those roads.

2-58 Sec. 8483.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-59 road project must meet all applicable construction standards,  
 2-60 zoning and subdivision requirements, and regulations of each  
 2-61 municipality in whose corporate limits or extraterritorial  
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits  
 2-64 or extraterritorial jurisdiction of a municipality, the road  
 2-65 project must meet all applicable construction standards,  
 2-66 subdivision requirements, and regulations of each county in which  
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the  
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.  
 3-2 Sec. 8483.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
 3-3 ORDINANCE OR RESOLUTION. The district shall comply with all  
 3-4 applicable requirements of any ordinance or resolution that is  
 3-5 adopted under Section 54.016 or 54.0165, Water Code, and that  
 3-6 consents to the creation of the district or to the inclusion of land  
 3-7 in the district.

3-8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-9 Sec. 8483.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
 3-10 The district may issue, without an election, bonds and other  
 3-11 obligations secured by:

3-12 (1) revenue other than ad valorem taxes; or  
 3-13 (2) contract payments described by Section 8483.0403.

3-14 (b) The district must hold an election in the manner  
 3-15 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-16 before the district may impose an ad valorem tax or issue bonds  
 3-17 payable from ad valorem taxes.

3-18 (c) The district may not issue bonds payable from ad valorem  
 3-19 taxes to finance a road project unless the issuance is approved by a  
 3-20 vote of a two-thirds majority of the district voters voting at an  
 3-21 election held for that purpose.

3-22 Sec. 8483.0402. OPERATION AND MAINTENANCE TAX. (a) If  
 3-23 authorized at an election held under Section 8483.0401, the  
 3-24 district may impose an operation and maintenance tax on taxable  
 3-25 property in the district in accordance with Section 49.107, Water  
 3-26 Code.

3-27 (b) The board shall determine the tax rate. The rate may not  
 3-28 exceed the rate approved at the election.

3-29 Sec. 8483.0403. CONTRACT TAXES. (a) In accordance with  
 3-30 Section 49.108, Water Code, the district may impose a tax other than  
 3-31 an operation and maintenance tax and use the revenue derived from  
 3-32 the tax to make payments under a contract after the provisions of  
 3-33 the contract have been approved by a majority of the district voters  
 3-34 voting at an election held for that purpose.

3-35 (b) A contract approved by the district voters may contain a  
 3-36 provision stating that the contract may be modified or amended by  
 3-37 the board without further voter approval.

3-38 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-39 Sec. 8483.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-40 OBLIGATIONS. The district may issue bonds or other obligations  
 3-41 payable wholly or partly from ad valorem taxes, impact fees,  
 3-42 revenue, contract payments, grants, or other district money, or any  
 3-43 combination of those sources, to pay for any authorized district  
 3-44 purpose.

3-45 Sec. 8483.0502. TAXES FOR BONDS. At the time the district  
 3-46 issues bonds payable wholly or partly from ad valorem taxes, the  
 3-47 board shall provide for the annual imposition of a continuing  
 3-48 direct ad valorem tax, without limit as to rate or amount, while all  
 3-49 or part of the bonds are outstanding as required and in the manner  
 3-50 provided by Sections 54.601 and 54.602, Water Code.

3-51 Sec. 8483.0503. BONDS FOR ROAD PROJECTS. At the time of  
 3-52 issuance, the total principal amount of bonds or other obligations  
 3-53 issued or incurred to finance road projects and payable from ad  
 3-54 valorem taxes may not exceed one-fourth of the assessed value of the  
 3-55 real property in the district.

3-56 SECTION 2. The Lakeview Point Municipal Utility District of  
 3-57 Palo Pinto County initially includes all the territory contained in  
 3-58 the following area:

3-59 Of an 11.145 acres tract of land out of the A.J. Smith Survey,  
 3-60 Abstract No. 393, Palo Pinto County, Texas; being all of a certain  
 3-61 11.016 acres tract described in Volume 2137, Page 415 and all of a  
 3-62 certain 0.079 acre tract (Tract 1) and a certain 0.052 acre tract  
 3-63 (Tract 2), both described in Volume 2057, Page 415, Official Public  
 3-64 Records, Palo Pinto County, Texas; and being further described by  
 3-65 metes and bounds as follows:

3-66 Beginning at a found "X" on a rock (N: 7006350.06, E:  
 3-67 1978199.72) for the northwest and beginning corner of this tract.  
 3-68 Whence the Brazos River Authority GPS Control Monument 04, recorded  
 3-69 in Volume 1697, Page 8 of said Official Public Records, bears N. 75

4-1 deg. 46 min. 29 sec. E. 5886.31 feet.  
 4-2 Thence S. 59 deg. 51 min. 03 sec. E. 208.44 feet to a found  
 4-3 1/2" iron rod with cap (PRICE SURVEYING) in the west line of Park  
 4-4 Road 36 for the northeast corner of this tract. Thence along the  
 4-5 west line of said Park Road 36 the following courses and distances:  
 4-6 S. 36 deg. 30 min. 37 sec. W. 6.19 feet to a set 60D nail  
 4-7 S. 19 deg. 23 min. 33 sec. W. 33.81 feet to a set 60D nail  
 4-8 S. 04 deg. 23 min. 03 sec. W. 47.11 feet to a set 60D nail  
 4-9 S. 06 deg. 52 min. 40 sec. E. 45.65 feet to a found 1/2" iron  
 4-10 rod for a corner of this tract  
 4-11 Thence S. 65 deg. 55 min. 59 sec. E. 70.41 feet to a found 60D  
 4-12 nail at the southwest corner of Lot 10 as described in Volume 1803,  
 4-13 Page 331 of said Official Public Records for a corner of this tract.  
 4-14 Thence N. 81 deg. 42 min. 58 sec. E. 41.73 feet to a set "MAG"  
 4-15 nail for a corner of this tract and said Lot 10.  
 4-16 Thence N. 52 deg. 52 min. 44 sec. E. 37.50 feet to a set "MAG"  
 4-17 nail at the southeast corner of said Lot 10 and at the 1000 foot  
 4-18 contour line of Possum Kingdom Lake for a corner of this tract.  
 4-19 Thence along the meanders of the 1000 foot contour line of  
 4-20 said Possum Kingdom Lake the following courses and distances:  
 4-21 N. 88 deg. 52 min. 31 sec. E. 6.87 feet  
 4-22 S. 62 deg. 40 min. 20 sec. E. 5.98 feet  
 4-23 S. 69 deg. 27 min. 26 sec. E. 8.07 feet  
 4-24 S. 38 deg. 46 min. 00 sec. E. 9.52 feet  
 4-25 S. 68 deg. 08 min. 05 sec. E. 5.15 feet  
 4-26 S. 82 deg. 10 min. 16 sec. E. 20.65 feet  
 4-27 S. 66 deg. 09 min. 14 sec. E. 23.66 feet  
 4-28 S. 45 deg. 58 min. 50 sec. E. 34.36 feet  
 4-29 S. 43 deg. 18 min. 23 sec. E. 33.89 feet  
 4-30 S. 51 deg. 26 min. 53 sec. E. 33.33 feet  
 4-31 S. 62 deg. 04 min. 11 sec. E. 18.56 feet  
 4-32 S. 54 deg. 43 min. 48 sec. E. 9.16 feet  
 4-33 S. 75 deg. 56 min. 36 sec. E. 10.10 feet  
 4-34 S. 59 deg. 55 min. 36 sec. E. 8.54 feet  
 4-35 S. 71 deg. 41 min. 52 sec. E. 12.35 feet  
 4-36 S. 78 deg. 30 min. 38 sec. E. 30.09 feet  
 4-37 S. 77 deg. 24 min. 00 sec. E. 22.41 feet  
 4-38 N. 86 deg. 51 min. 44 sec. E. 34.38 feet  
 4-39 S. 86 deg. 24 min. 52 sec. E. 37.71 feet  
 4-40 S. 88 deg. 40 min. 25 sec. E. 12.37 feet  
 4-41 N. 73 deg. 33 min. 46 sec. E. 14.36 feet  
 4-42 S. 71 deg. 25 min. 08 sec. E. 27.56 feet  
 4-43 S. 66 deg. 10 min. 35 sec. E. 29.95 feet  
 4-44 S. 46 deg. 51 min. 09 sec. E. 18.95 feet  
 4-45 S. 07 deg. 22 min. 19 sec. E. 11.59 feet  
 4-46 S. 04 deg. 17 min. 18 sec. W. 14.22 feet  
 4-47 S. 20 deg. 28 min. 13 sec. W. 20.89 feet  
 4-48 S. 34 deg. 40 min. 48 sec. W. 21.39 feet  
 4-49 S. 30 deg. 30 min. 00 sec. W. 19.50 feet  
 4-50 S. 48 deg. 02 min. 14 sec. W. 18.15 feet  
 4-51 S. 70 deg. 18 min. 02 sec. W. 25.03 feet  
 4-52 S. 66 deg. 55 min. 12 sec. W. 36.67 feet  
 4-53 S. 84 deg. 13 min. 21 sec. W. 35.95 feet  
 4-54 N. 80 deg. 16 min. 45 sec. W. 10.62 feet  
 4-55 S. 47 deg. 03 min. 57 sec. W. 86.98 feet  
 4-56 S. 22 deg. 36 min. 32 sec. E. 15.63 feet  
 4-57 S. 39 deg. 29 min. 12 sec. E. 7.94 feet  
 4-58 S. 51 deg. 23 min. 33 sec. W. 64.51 feet  
 4-59 N. 66 deg. 33 min. 27 sec. W. 0.68 feet  
 4-60 S. 53 deg. 41 min. 31 sec. W. 38.64 feet  
 4-61 S. 39 deg. 53 min. 28 sec. W. 32.73 feet  
 4-62 S. 47 deg. 41 min. 33 sec. E. 6.22 feet  
 4-63 S. 50 deg. 14 min. 48 sec. W. 1.01 feet  
 4-64 N. 47 deg. 41 min. 33 sec. W. 7.76 feet  
 4-65 S. 50 deg. 40 min. 29 sec. W. 21.21 feet  
 4-66 S. 63 deg. 05 min. 58 sec. W. 19.55 feet  
 4-67 S. 00 deg. 40 min. 33 sec. E. 11.39 feet  
 4-68 S. 22 deg. 47 min. 18 sec. W. 1.64 feet  
 4-69 S. 55 deg. 51 min. 23 sec. W. 8.23 feet



5-1 S. 48 deg. 50 min. 26 sec. W. 6.60 feet  
5-2 S. 56 deg. 47 min. 02 sec. W. 10.96 feet  
5-3 S. 67 deg. 06 min. 42 sec. W. 11.46 feet  
5-4 S. 70 deg. 29 min. 29 sec. W. 10.75 feet  
5-5 N. 72 deg. 58 min. 19 sec. W. 2.12 feet  
5-6 N. 22 deg. 52 mm. 48 sec. W. 11.09 feet  
5-7 N. 55 deg. 45 min. 05 sec. W. 2.58 feet  
5-8 S. 62 deg. 56 min. 55 sec. W. 4.59 feet  
5-9 S. 79 deg. 31 min. 15 sec. W. 7.89 feet  
5-10 S. 20 deg. 50 min. 44 sec. W. 3.05 feet  
5-11 S. 63 deg. 37 min. 54 sec. W. 11.64 feet  
5-12 S. 68 deg. 08 min. 12 sec. W. 15.87 feet  
5-13 S. 71 deg. 23 min. 43 sec. W. 26.77 feet  
5-14 S. 78 deg. 09 min. 18 sec. W. 15.64 feet  
5-15 S. 65 deg. 34 min. 21 sec. W. 1.90 feet  
5-16 S. 73 deg. 21 min. 54 sec. W. 31.80 feet  
5-17 S. 66 deg. 03 min. 45 sec. W. 22.96 feet  
5-18 S. 54 deg. 33 min. 00 sec. W. 12.70 feet to a found 3/8"  
5-19 spike at the northeast comer of Lot 6 as described in  
5-20 Volume 2121, Page 199 of said Official Public Record for  
5-21 a comer of this tract  
5-22 Thence N. 76 deg. 13 min. 57 sec. W. 13.74 feet to a point for  
5-23 a comer of this tract and said Lot 6.  
5-24 Thence S. 74 deg. 30 min. 45 sec. W. at 26.05 feet pass a found  
5-25 "X" on rock and in all 49.59 feet to a found 60d nail for a comer of  
5-26 this tract and said Lot 6.  
5-27 Thence N. 85 deg. 33 min. 11 sec. W. 74.46 feet to a found  
5-28 drilled hole in concrete drive for a comer of this tract and said  
5-29 Lot 6.  
5-30 Thence N. 59 deg. 14 min. 19 sec. W. 86.83 feet to a found 1/2"  
5-31 iron rod with cap (PRICE SURVEYING) in the northwest line of said  
5-32 Park Road 36 for an ell comer of this tract.  
5-33 Thence along the northwest line of said Park Road 36 the  
5-34 following courses and distances:  
5-35 S. 46 deg. 34 min. 23 sec. W. 107.53 feet to a found 60D nail  
5-36 S. 45 deg. 50 min. 39 sec. W. 6.14 feet to a found 60D nail  
5-37 S. 48 deg. 28 mm. 48 sec. W. 51.72 feet to a found 1/2" iron  
5-38 rod with cap (PRICE SURVEYING) for an ell comer of this tract  
5-39 Thence S. 26 deg. 03 min. 21 sec. E. 9.95 feet to a found 1/2"  
5-40 iron rod for a comer of this tract.  
5-41 Thence S. 53 deg. 56 min. 39 sec. W. 110.40 feet to a found  
5-42 1/2" iron rod for a comer of this tract.  
5-43 Thence S. 58 deg. 41 min. 39 sec. W. 61.78 feet to a found 1/2"  
5-44 iron rod for the most southerly southwest comer of this tract.  
5-45 Thence N. 36 deg. 05 mm. 21 sec. W. 144.50 feet to a found 1/2"  
5-46 iron rod for a comer of this tract.  
5-47 Thence N. 58 deg. 31 min. 39 sec. E. 196.30 feet to a set 1/2"  
5-48 iron rod with cap (PRICE SURVEYING) for an ell corner of this tract.  
5-49 Thence N. 59 deg. 48 min. 35 sec. W. 200.20 feet to a set 1/2"  
5-50 iron rod with cap (PRICE SURVEYING) for the most westerly southwest  
5-51 corner of this tract.  
5-52 Thence N. 30 deg. 06 min. 00 sec. E. 740.07 feet to the place  
5-53 of beginning.  
5-54 SECTION 3. (a) The legal notice of the intention to  
5-55 introduce this Act, setting forth the general substance of this  
5-56 Act, has been published as provided by law, and the notice and a  
5-57 copy of this Act have been furnished to all persons, agencies,  
5-58 officials, or entities to which they are required to be furnished  
5-59 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-60 Government Code.  
5-61 (b) The governor, one of the required recipients, has  
5-62 submitted the notice and Act to the Texas Commission on  
5-63 Environmental Quality.  
5-64 (c) The Texas Commission on Environmental Quality has filed  
5-65 its recommendations relating to this Act with the governor, the  
5-66 lieutenant governor, and the speaker of the house of  
5-67 representatives within the required time.  
5-68 (d) All requirements of the constitution and laws of this  
5-69 state and the rules and procedures of the legislature with respect

6-1 to the notice, introduction, and passage of this Act are fulfilled  
6-2 and accomplished.

6-3 SECTION 4. (a) If this Act does not receive a two-thirds  
6-4 vote of all the members elected to each house, Subchapter C, Chapter  
6-5 8483, Special District Local Laws Code, as added by Section 1 of  
6-6 this Act, is amended by adding Section 8483.0306 to read as follows:  
6-7 Sec. 8483.0306. NO EMINENT DOMAIN POWER. The district may  
6-8 not exercise the power of eminent domain.

6-9 (b) This section is not intended to be an expression of a  
6-10 legislative interpretation of the requirements of Section 17(c),  
6-11 Article I, Texas Constitution.

6-12 SECTION 5. This Act takes effect immediately if it receives  
6-13 a vote of two-thirds of all the members elected to each house, as  
6-14 provided by Section 39, Article III, Texas Constitution. If this  
6-15 Act does not receive the vote necessary for immediate effect, this  
6-16 Act takes effect September 1, 2021.

6-17

\* \* \* \* \*