

1-1 By: Gates (Senate Sponsor - Kolkhorst) H.B. No. 4616  
 1-2 (In the Senate - Received from the House May 17, 2021;  
 1-3 May 17, 2021, read first time and referred to Committee on Local  
 1-4 Government; May 22, 2021, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 0; May 22, 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 Fort Bend County Municipal Utility  
 1-20 District No. 246; granting a limited power of eminent domain;  
 1-21 providing authority to issue bonds; providing authority to impose  
 1-22 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 7996 to read as follows:

1-26 CHAPTER 7996. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 246  
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7996.0101. DEFINITIONS. In this chapter:  
 1-29 (1) "Board" means the district's board of directors.  
 1-30 (2) "Commission" means the Texas Commission on  
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.  
 1-33 (4) "District" means the Fort Bend County Municipal  
 1-34 Utility District No. 246.

1-35 Sec. 7996.0102. 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. 7996.0103. CONFIRMATION AND DIRECTOR 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. 7996.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-43 temporary directors may not hold an election under Section  
 1-44 7996.0103 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. 7996.0105. 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:  
 1-51 (1) a municipal utility district as provided by  
 1-52 general law and Section 59, Article XVI, Texas Constitution; and  
 1-53 (2) Section 52, Article III, Texas Constitution, that  
 1-54 relate to the construction, acquisition, improvement, operation,  
 1-55 or maintenance of macadamized, graveled, or paved roads, or  
 1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 7996.0106. INITIAL DISTRICT TERRITORY. (a) The  
 1-58 district is initially composed of the territory described by  
 1-59 Section 2 of the Act enacting this chapter.

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

2-1 field notes or in copying the field notes in the legislative process  
2-2 does not affect the district's:

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

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 7996.0201. GOVERNING BODY; TERMS. (a) The district is  
2-11 governed by a board of five elected directors.

2-12 (b) Except as provided by Section 7996.0202, directors  
2-13 serve staggered four-year terms.

2-14 Sec. 7996.0202. TEMPORARY DIRECTORS. (a) The temporary  
2-15 board consists of:

- 2-16 (1) Andrew Chang;
- 2-17 (2) Lauren Sposato;
- 2-18 (3) Brian Taton;
- 2-19 (4) David Pereira; and
- 2-20 (5) Jason Jacob.

2-21 (b) Temporary directors serve until the earlier of:

- 2-22 (1) the date permanent directors are elected under  
2-23 Section 7996.0103; or
- 2-24 (2) the fourth anniversary of the effective date of  
2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under  
2-27 Section 7996.0103 and the terms of the temporary directors have  
2-28 expired, successor temporary directors shall be appointed or  
2-29 reappointed as provided by Subsection (d) to serve terms that  
2-30 expire on the earlier of:

- 2-31 (1) the date permanent directors are elected under  
2-32 Section 7996.0103; or
- 2-33 (2) the fourth anniversary of the date of the  
2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a  
2-36 majority of the assessed value of the real property in the district  
2-37 may submit a petition to the commission requesting that the  
2-38 commission appoint as successor temporary directors the five  
2-39 persons named in the petition. The commission shall appoint as  
2-40 successor temporary directors the five persons named in the  
2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7996.0301. GENERAL POWERS AND DUTIES. The district  
2-44 has the powers and duties necessary to accomplish the purposes for  
2-45 which the district is created.

2-46 Sec. 7996.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-47 DUTIES. The district has the powers and duties provided by the  
2-48 general law of this state, including Chapters 49 and 54, Water Code,  
2-49 applicable to municipal utility districts created under Section 59,  
2-50 Article XVI, Texas Constitution.

2-51 Sec. 7996.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
2-52 52, Article III, Texas Constitution, the district may design,  
2-53 acquire, construct, finance, issue bonds for, improve, operate,  
2-54 maintain, and convey to this state, a county, or a municipality for  
2-55 operation and maintenance macadamized, graveled, or paved roads, or  
2-56 improvements, including storm drainage, in aid of those roads.

2-57 Sec. 7996.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
2-58 road project must meet all applicable construction standards,  
2-59 zoning and subdivision requirements, and regulations of each  
2-60 municipality in whose corporate limits or extraterritorial  
2-61 jurisdiction the road project is located.

2-62 (b) If a road project is not located in the corporate limits  
2-63 or extraterritorial jurisdiction of a municipality, the road  
2-64 project must meet all applicable construction standards,  
2-65 subdivision requirements, and regulations of each county in which  
2-66 the road project is located.

2-67 (c) If the state will maintain and operate the road, the  
2-68 Texas Transportation Commission must approve the plans and  
2-69 specifications of the road project.

3-1 Sec. 7996.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
3-2 ORDINANCE OR RESOLUTION. The district shall comply with all  
3-3 applicable requirements of any ordinance or resolution that is  
3-4 adopted under Section 54.016 or 54.0165, Water Code, and that  
3-5 consents to the creation of the district or to the inclusion of land  
3-6 in the district.

3-7 Sec. 7996.0306. PUBLIC INFORMATION. (a) The district  
3-8 shall maintain an Internet website.

3-9 (b) The board shall make available on the district's  
3-10 Internet website the information required under Section 26.18, Tax  
3-11 Code.

3-12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-13 Sec. 7996.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
3-14 The district may issue, without an election, bonds and other  
3-15 obligations secured by:

3-16 (1) revenue other than ad valorem taxes; or

3-17 (2) contract payments described by Section 7996.0403.

3-18 (b) The district must hold an election in the manner  
3-19 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-20 before the district may impose an ad valorem tax or issue bonds  
3-21 payable from ad valorem taxes.

3-22 (c) The district may not issue bonds payable from ad valorem  
3-23 taxes to finance a road project unless the issuance is approved by a  
3-24 vote of a two-thirds majority of the district voters voting at an  
3-25 election held for that purpose.

3-26 Sec. 7996.0402. OPERATION AND MAINTENANCE TAX. (a) If  
3-27 authorized at an election held under Section 7996.0401, the  
3-28 district may impose an operation and maintenance tax on taxable  
3-29 property in the district in accordance with Section 49.107, Water  
3-30 Code.

3-31 (b) The board shall determine the tax rate. The rate may not  
3-32 exceed the rate approved at the election.

3-33 Sec. 7996.0403. CONTRACT TAXES. (a) In accordance with  
3-34 Section 49.108, Water Code, the district may impose a tax other than  
3-35 an operation and maintenance tax and use the revenue derived from  
3-36 the tax to make payments under a contract after the provisions of  
3-37 the contract have been approved by a majority of the district voters  
3-38 voting at an election held for that purpose.

3-39 (b) A contract approved by the district voters may contain a  
3-40 provision stating that the contract may be modified or amended by  
3-41 the board without further voter approval.

3-42 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-43 Sec. 7996.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
3-44 OBLIGATIONS. The district may issue bonds or other obligations  
3-45 payable wholly or partly from ad valorem taxes, impact fees,  
3-46 revenue, contract payments, grants, or other district money, or any  
3-47 combination of those sources, to pay for any authorized district  
3-48 purpose.

3-49 Sec. 7996.0502. TAXES FOR BONDS. At the time the district  
3-50 issues bonds payable wholly or partly from ad valorem taxes, the  
3-51 board shall provide for the annual imposition of a continuing  
3-52 direct ad valorem tax, without limit as to rate or amount, while all  
3-53 or part of the bonds are outstanding as required and in the manner  
3-54 provided by Sections 54.601 and 54.602, Water Code.

3-55 Sec. 7996.0503. BONDS FOR ROAD PROJECTS. At the time of  
3-56 issuance, the total principal amount of bonds or other obligations  
3-57 issued or incurred to finance road projects and payable from ad  
3-58 valorem taxes may not exceed one-fourth of the assessed value of the  
3-59 real property in the district.

3-60 SECTION 2. The Fort Bend County Municipal Utility District  
3-61 No. 246 initially includes all the territory contained in the  
3-62 following area:

3-63 A METES & BOUNDS description of a 167.7 acre tract of land in the  
3-64 John Foster 2-1/2 Leagues Grant, Abstract 26, Fort Bend County,  
3-65 Texas, being that certain called 166.17 acre tract recorded under  
3-66 County Clerk's File Number 9619091, Official Public Records, Fort  
3-67 Bend County, Texas, said called 166.17 acre tract being comprised  
3-68 of the residue of a called 190.109 acre tract recorded in Volume  
3-69 493, Page 363, Deed Records, Fort Bend County, Texas, a called 1.95

4-1 acre tract recorded in Volume 495, Page 702, Deed Records, Fort Bend  
4-2 County, Texas, and the residue of a called 51.9 acre tract recorded  
4-3 in Volume 493, Page 395, Deed Records, Fort Bend County, Texas, with  
4-4 all bearings based upon the Texas Coordinate System of 1983, South  
4-5 Central Zone, based upon GPS observations.  
4-6 Beginning at a 1/2 inch iron pipe with cap marked "BGE" found in the  
4-7 southwest right-of-way line of F. M. Highway 359 (called 100-foot  
4-8 wide) for the east corner of said called 166.17 acre tract, same  
4-9 being the north corner of an adjoining called 2.0870 acre tract  
4-10 recorded in Volume 2331, Page 261, Official Records, Fort Bend  
4-11 County, Texas, for the east corner and Place of Beginning of the  
4-12 herein described tract, said point being at the intersection of the  
4-13 southwest right-of-way line of F. M. Highway 359 and the northwest  
4-14 right-of-way line of Foster Creek Drive, and being in the southwest  
4-15 line of an adjoining called 0.246 acre tract in deed to the State of  
4-16 Texas recorded in Volume 433, Page 182, Deed Records, Fort Bend  
4-17 County, Texas;  
4-18 Thence South 64 degrees 47 minutes 07 seconds West (called South 67  
4-19 degrees 33 minutes 36 seconds West) along the southeast line of the  
4-20 herein described tract and said called 166.17 acre tract, same  
4-21 being the northwest line of said adjoining called 2.0870 acre  
4-22 tract, 394.22 feet (called 393.49 feet) to a 2-inch iron pipe found  
4-23 for angle point;  
4-24 Thence South 64 degrees 12 minutes 08 seconds West (called South 66  
4-25 degrees 57 minutes 54 seconds West) continuing along said line,  
4-26 903.79 feet (called 903.21 feet) to a 1-inch iron pipe found for  
4-27 angle point, said point being a west corner of said adjoining called  
4-28 2.0870 acre tract, same being the east corner of an adjoining called  
4-29 4.7984 acre tract recorded under County Clerk's File Number  
4-30 2020009817, Official Public Records, Fort Bend County, Texas;  
4-31 Thence South 65 degrees 23 minutes 33 seconds West (called South 68  
4-32 degrees 09 minutes 19 seconds West) along the southeast line of the  
4-33 herein described tract and said called 166.17 acre tract, same  
4-34 being the northwest line of said adjoining called 4.7984 acre  
4-35 tract, and the northwest line of the adjoining called 2.2476 acre  
4-36 tract (Tract 1) recorded under County Clerk's File Number  
4-37 2019076157, Official Public Records, Fort Bend County, Texas, being  
4-38 the Northwest line of the adjoining Foster Creek Estates Section I  
4-39 (unrecorded), 1,323.90 feet (called 1,323.75 feet) to a 3/4 inch  
4-40 iron pipe found for a reentry corner to the herein described tract  
4-41 and said called 166.17 acre tract, same being the northwest corner  
4-42 of said adjoining called 2.2476 acre tract;  
4-43 Thence South 00 degrees 32 minutes 24 seconds West (called South 03  
4-44 degrees 18 minutes 10 seconds West) along the lower east line of the  
4-45 herein described tract and said called 166.17 acre tract, at 150.33  
4-46 feet pass a 5/8 inch iron rod with cap marked "Jones | Carter  
4-47 Reference Point" set on said line, and continuing for a total  
4-48 distance of 200.33 feet (called 200.33 feet) to a point in the  
4-49 centerline of Jones Creek for the southmost corner of the herein  
4-50 described tract and said called 166.17 acre tract, said point being  
4-51 in the north line of the adjoining Foster Island Estates  
4-52 Subdivision, according to map or plat thereof recorded under County  
4-53 Clerk's File Number 20040121, Plat Records, Fort Bend County,  
4-54 Texas;  
4-55 Thence along the common line of the herein described tract and said  
4-56 adjoining Foster Island Estates Subdivision, and an adjoining  
4-57 called 8.366 acre tract recorded under County Clerk's File Number  
4-58 9896247, Official Public Records, Fort Bend County, Texas, the  
4-59 adjoining Karaugh II Subdivision, according to map or plat thereof  
4-60 recorded under Slide Number 1116-A, Plat Records, Fort Bend County,  
4-61 Texas, the adjoining Karaugh I Subdivision, according to map or  
4-62 plat thereof recorded under Slide Number 1492-B and 1493-A, Plat  
4-63 Records, Fort Bend County, Texas, an adjoining called 7.7856 acre  
4-64 tract recorded under County Clerk's File Number 2008003503,  
4-65 Official Public Records, Fort Bend County, Texas, being Lots 18, 19  
4-66 and 20 of Bella Vista Subdivision (unrecorded), and an adjoining  
4-67 tract being called Lot 17 recorded under County Clerk's File Number  
4-68 2003047705, Official Public Records, Fort Bend County, Texas, being  
4-69 the centerline of Jones Creek, with the following meanders:

5-1 North 87 degrees 04 minutes 35 seconds West, 289.67  
 5-2 feet;  
 5-3 North 85 degrees 29 minutes 43 seconds West, 251.76  
 5-4 feet;  
 5-5 North 84 degrees 40 minutes 36 seconds West, 342.97  
 5-6 feet;  
 5-7 North 86 degrees 50 minutes 56 seconds West, 62.39  
 5-8 feet;  
 5-9 North 74 degrees 35 minutes 50 seconds West, 55.93  
 5-10 feet;  
 5-11 North 66 degrees 11 minutes 06 seconds West, 29.61  
 5-12 feet;  
 5-13 North 54 degrees 10 minutes 40 seconds West, 153.83  
 5-14 feet;  
 5-15 North 40 degrees 09 minutes 54 seconds West, 134.38  
 5-16 feet;  
 5-17 North 27 degrees 37 minutes 35 seconds West, 181.25  
 5-18 feet;  
 5-19 North 19 degrees 58 minutes 36 seconds West, 88.57  
 5-20 feet;  
 5-21 North 07 degrees 20 minutes 02 seconds West, 72.18  
 5-22 feet;  
 5-23 North 01 degree 44 minutes 42 seconds West, 81.65 feet;  
 5-24 North 06 degrees 08 minutes 04 seconds East, 124.80  
 5-25 feet;  
 5-26 North 15 degrees 03 minutes 32 seconds East, 127.07  
 5-27 feet;  
 5-28 North 17 degrees 42 minutes 04 seconds East, 161.56  
 5-29 feet;  
 5-30 North 16 degrees 13 minutes 50 seconds East, 258.44  
 5-31 feet;  
 5-32 North 16 degrees 18 minutes 33 seconds East, 155.30  
 5-33 feet;  
 5-34 North 10 degrees 25 minutes 11 seconds East, 268.61  
 5-35 feet;  
 5-36 North 11 degrees 22 minutes 10 seconds East, 221.57  
 5-37 feet;  
 5-38 North 00 degrees 44 minutes 27 seconds West, 73.43  
 5-39 feet;  
 5-40 North 00 degrees 35 minutes 53 seconds West, 227.47  
 5-41 feet;  
 5-42 North 00 degrees 33 minutes 29 seconds West, 338.43  
 5-43 feet to a point for the northwest corner of the herein  
 5-44 described tract and said called 166.17 acre tract,  
 5-45 same being the southwest corner of an adjoining called  
 5-46 55.876 acre tract recorded under County Clerk's File  
 5-47 Number 2019037877, Official Public Records, Fort Bend  
 5-48 County, Texas, said point being in the east line of the  
 5-49 aforementioned adjoining Lot 17;  
 5-50 Thence North 87 degrees 02 minutes 40 seconds East (called North 88  
 5-51 degrees 55 minutes 40 seconds East) along the north line of the  
 5-52 herein described tract and said called 166.17 acre tract, same  
 5-53 being the south line of said adjoining called 55.876 acre tract, the  
 5-54 south line of an adjoining called 5.5428 acre tract, an adjoining  
 5-55 called 1.419 acre tract, and an adjoining called 15.554 acre tract,  
 5-56 all recorded under County Clerk's File Number 2019037877, Official  
 5-57 Public Records, Fort Bend County, Texas, at 30.00 feet pass a 5/8  
 5-58 inch iron rod with cap marked "Jones | Carter Reference Point" set  
 5-59 on said line, at 947.67 feet pass a 3/4 inch iron pipe found on said  
 5-60 line for the southeast corner of said adjoining called 1.419 acre  
 5-61 tract, same being the southwest corner of said adjoining called  
 5-62 50.554 acre tract, and continuing for a total distance of 1,455.77  
 5-63 feet (called 1,468.16 feet) to a 1/2 inch iron pipe with cap marked  
 5-64 "BGE" found for angle point, said point being the southeast corner  
 5-65 of said adjoining called 50.554 acre tract, same being the  
 5-66 southwest corner of an adjoining called 26.623 acre tract recorded  
 5-67 under County Clerk's File Number 2011089606, Official Public  
 5-68 Records, Fort Bend County, Texas;  
 5-69 Thence North 78 degrees 42 minutes 14 seconds East (called North 80

6-1 degrees 38 minutes 40 seconds East) along the north line of the  
6-2 herein described tract and said called 166.17 acre tract, same  
6-3 being the south line of said adjoining called 26.623 acre tract,  
6-4 94.16 feet (called 94.16 feet) to a 1/2 inch iron pipe with cap  
6-5 marked "BGE" found for angle point;  
6-6 Thence North 85 degrees 27 minutes 59 seconds East (called North 87  
6-7 degrees 21 minutes 10 seconds East) continuing along said line,  
6-8 1,232.81 feet (called 1,232.98 feet) to a 1/2 inch iron pipe with  
6-9 cap marked "BGE" found for the northeast corner of the herein  
6-10 described tract and said called 166.17 acre tract, same being the  
6-11 southeast corner of said adjoining called 26.623 acre tract, and  
6-12 being in the southwest right-of-way line of F. M. Highway 359, being  
6-13 the southwest line of an adjoining called 0.084 acre tract in deed  
6-14 to the State of Texas recorded in Volume 433, Page 185, Deed  
6-15 Records, Fort Bend County, Texas;  
6-16 Thence South 23 degrees 48 minutes 05 seconds East (adjoiner called  
6-17 South 22 degrees 09 minutes East) along the northeast line of the  
6-18 herein described tract and said called 166.17 acre tract, same  
6-19 being the southwest right-of-way line of F. M. Highway 359, 571.26  
6-20 feet (adjoiner called 577.0 feet) to a concrete monument found for  
6-21 angle point;  
6-22 Thence South 24 degrees 24 minutes 26 seconds East (adjoiner called  
6-23 South 22 degrees 47 minutes East) continuing along said line, at  
6-24 84.92 feet pass a 1/2 inch iron rod found 1.36 feet left of said  
6-25 line, at 118.14 feet pass a 1/2 inch iron pipe with cap marked "BGE"  
6-26 found 0.98 feet right of said line, at 821.48 feet pass a concrete  
6-27 monument found on said line, and continuing for a total distance of  
6-28 1,054.61 feet to the Place of Beginning and containing 167.7 acres  
6-29 of land, more or less.

6-30 SECTION 3. (a) The legal notice of the intention to  
6-31 introduce this Act, setting forth the general substance of this  
6-32 Act, has been published as provided by law, and the notice and a  
6-33 copy of this Act have been furnished to all persons, agencies,  
6-34 officials, or entities to which they are required to be furnished  
6-35 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6-36 Government Code.

6-37 (b) The governor, one of the required recipients, has  
6-38 submitted the notice and Act to the Texas Commission on  
6-39 Environmental Quality.

6-40 (c) The Texas Commission on Environmental Quality has filed  
6-41 its recommendations relating to this Act with the governor, the  
6-42 lieutenant governor, and the speaker of the house of  
6-43 representatives within the required time.

6-44 (d) All requirements of the constitution and laws of this  
6-45 state and the rules and procedures of the legislature with respect  
6-46 to the notice, introduction, and passage of this Act are fulfilled  
6-47 and accomplished.

6-48 SECTION 4. (a) If this Act does not receive a two-thirds  
6-49 vote of all the members elected to each house, Subchapter C, Chapter  
6-50 7996, Special District Local Laws Code, as added by Section 1 of  
6-51 this Act, is amended by adding Section 7996.0307 to read as follows:

6-52 Sec. 7996.0307. NO EMINENT DOMAIN POWER. The district may  
6-53 not exercise the power of eminent domain.

6-54 (b) This section is not intended to be an expression of a  
6-55 legislative interpretation of the requirements of Section 17(c),  
6-56 Article I, Texas Constitution.

6-57 SECTION 5. This Act takes effect immediately if it receives  
6-58 a vote of two-thirds of all the members elected to each house, as  
6-59 provided by Section 39, Article III, Texas Constitution. If this  
6-60 Act does not receive the vote necessary for immediate effect, this  
6-61 Act takes effect September 1, 2021.

6-62 \* \* \* \* \*