

1-1 By: Creighton S.B. No. 2197
 1-2 (In the Senate - Filed April 12, 2021; April 12, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 23, 2021, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 23, 2021, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-7 Bettencourt | X | | | |
| 1-8 Menéndez | X | | | |
| 1-9 Eckhardt | X | | | |
| 1-10 Gutierrez | X | | | |
| 1-11 Hall | X | | | |
| 1-12 Nichols | X | | | |
| 1-13 Paxton | X | | | |
| 1-14 Springer | X | | | |
| 1-15 Zaffirini | X | | | |

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

1-19 relating to the creation of the Montgomery County Municipal Utility
 1-20 District No. 183; 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 7910A to read as follows:

1-26 CHAPTER 7910A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
 1-27 NO. 183

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7910A.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 Montgomery County Municipal
 1-35 Utility District No. 183.

1-36 Sec. 7910A.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. 7910A.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. 7910A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 7910A.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. 7910A.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. 7910A.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. 7910A.0201. GOVERNING BODY; TERMS. (a) The district
2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7910A.0202, directors
2-14 serve staggered four-year terms.

2-15 Sec. 7910A.0202. TEMPORARY DIRECTORS. (a) The temporary
2-16 board consists of:

- 2-17 (1) Stephanie King;
- 2-18 (2) Rose Clay;
- 2-19 (3) Stephen Jones;
- 2-20 (4) Jennie Barber; and
- 2-21 (5) James Holt.

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

- 2-23 (1) the date permanent directors are elected under
2-24 Section 7910A.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 7910A.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 7910A.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. 7910A.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. 7910A.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. 7910A.0303. AUTHORITY FOR ROAD PROJECTS. Under
2-53 Section 52, Article III, Texas Constitution, the district may
2-54 design, acquire, construct, finance, issue bonds for, improve,
2-55 operate, maintain, and convey to this state, a county, or a
2-56 municipality for operation and maintenance macadamized, graveled,
2-57 or paved roads, or improvements, including storm drainage, in aid
2-58 of those roads.

2-59 Sec. 7910A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-60 road project must meet all applicable construction standards,
2-61 zoning and subdivision requirements, and regulations of each
2-62 municipality in whose corporate limits or extraterritorial
2-63 jurisdiction the road project is located.

2-64 (b) If a road project is not located in the corporate limits
2-65 or extraterritorial jurisdiction of a municipality, the road
2-66 project must meet all applicable construction standards,
2-67 subdivision requirements, and regulations of each county in which
2-68 the road project is located.

2-69 (c) If the state will maintain and operate the road, the

3-1 Texas Transportation Commission must approve the plans and
3-2 specifications of the road project.

3-3 Sec. 7910A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-4 ORDINANCE OR RESOLUTION. The district shall comply with all
3-5 applicable requirements of any ordinance or resolution that is
3-6 adopted under Section 54.016 or 54.0165, Water Code, and that
3-7 consents to the creation of the district or to the inclusion of land
3-8 in the district.

3-9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-10 Sec. 7910A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-11 The district may issue, without an election, bonds and other
3-12 obligations secured by:

3-13 (1) revenue other than ad valorem taxes; or
3-14 (2) contract payments described by Section
3-15 7910A.0403.

3-16 (b) The district must hold an election in the manner
3-17 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-18 before the district may impose an ad valorem tax or issue bonds
3-19 payable from ad valorem taxes.

3-20 (c) The district may not issue bonds payable from ad valorem
3-21 taxes to finance a road project unless the issuance is approved by a
3-22 vote of a two-thirds majority of the district voters voting at an
3-23 election held for that purpose.

3-24 Sec. 7910A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-25 authorized at an election held under Section 7910A.0401, the
3-26 district may impose an operation and maintenance tax on taxable
3-27 property in the district in accordance with Section 49.107, Water
3-28 Code.

3-29 (b) The board shall determine the tax rate. The rate may not
3-30 exceed the rate approved at the election.

3-31 Sec. 7910A.0403. CONTRACT TAXES. (a) In accordance with
3-32 Section 49.108, Water Code, the district may impose a tax other than
3-33 an operation and maintenance tax and use the revenue derived from
3-34 the tax to make payments under a contract after the provisions of
3-35 the contract have been approved by a majority of the district voters
3-36 voting at an election held for that purpose.

3-37 (b) A contract approved by the district voters may contain a
3-38 provision stating that the contract may be modified or amended by
3-39 the board without further voter approval.

3-40 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-41 Sec. 7910A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-42 OBLIGATIONS. The district may issue bonds or other obligations
3-43 payable wholly or partly from ad valorem taxes, impact fees,
3-44 revenue, contract payments, grants, or other district money, or any
3-45 combination of those sources, to pay for any authorized district
3-46 purpose.

3-47 Sec. 7910A.0502. TAXES FOR BONDS. At the time the district
3-48 issues bonds payable wholly or partly from ad valorem taxes, the
3-49 board shall provide for the annual imposition of a continuing
3-50 direct ad valorem tax, without limit as to rate or amount, while all
3-51 or part of the bonds are outstanding as required and in the manner
3-52 provided by Sections 54.601 and 54.602, Water Code.

3-53 Sec. 7910A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-54 issuance, the total principal amount of bonds or other obligations
3-55 issued or incurred to finance road projects and payable from ad
3-56 valorem taxes may not exceed one-fourth of the assessed value of the
3-57 real property in the district.

3-58 SECTION 2. The Montgomery County Municipal Utility District
3-59 No. 183 initially includes all the territory contained in the
3-60 following area:

3-61 TRACT 1:

3-62 Being 389.92 acres of land in the Mary Corner Survey,
3-63 Abstract 9, Montgomery County, Texas, and being a portion of the
3-64 called 390.786 acre tract described in the deed from Lucie McComb
3-65 Dunwoody Brand to Charles Traylor Dunwoody recorded under Volume
3-66 795, Page 31 of the Official Public Records of Real Property of
3-67 Montgomery County, Texas, and being all of the called 31.4975 acre
3-68 tract described in the deed from Jatex Development, Inc. to McComb
3-69 Realty I, Ltd. recorded in Document Number 9736794 of the Official

4-1 Public Records of Real Property of Montgomery County, Texas and
 4-2 described by metes and bounds as follows with bearings based on the
 4-3 Texas Coordinate System of 1983, Central Zone:

4-4 BEGINNING at a 1-1/2-inch iron pipe found for the most
 4-5 northerly corner of said 390.786 acre tract and of the herein
 4-6 described tract and being on the southwesterly right-of-way line of
 4-7 Old Highway 105 based on a 60-foot width;

- 4-8 THENCE South 50° 18' 11" East - 348.50 feet to a point;
- 4-9 THENCE South 26° 42' 49" West - 1078.00 feet to a point;
- 4-10 THENCE South 47° 30' 40" East - 819.26 feet to a point;
- 4-11 THENCE South 03° 48' 16" East - 1343.81 feet to a point;
- 4-12 THENCE North 85° 58' 49" East - 640.62 feet to a point;
- 4-13 THENCE South 03° 41' 11" East - 39.95 feet to a point;
- 4-14 THENCE South 85° 55' 33" West - 424.41 feet to a point;
- 4-15 THENCE South 07° 36' 26" East - 498.44 feet to a point;
- 4-16 THENCE South 86° 03' 59" West - 206.07 feet to a point;
- 4-17 THENCE South 68° 37' 04" West - 751.70 feet to a point;
- 4-18 THENCE South 74° 53' 07" West - 217.57 feet to a point;
- 4-19 THENCE South 02° 17' 08" West - 623.47 feet to a point;
- 4-20 THENCE South 04° 05' 40" East - 2015.27 feet to a point;
- 4-21 THENCE North 87° 07' 00" West - 369.58 feet to a point;
- 4-22 THENCE North 03° 27' 53" West - 601.48 feet to a point;
- 4-23 THENCE North 87° 08' 11" West - 2333.30 feet to a point;
- 4-24 THENCE North 87° 12' 22" West - 1158.38 feet to a point;
- 4-25 THENCE South 01° 53' 42" East - 590.49 feet to a point;
- 4-26 THENCE North 87° 22' 08" West - 496.92 feet to a point;
- 4-27 THENCE North 02° 51' 12" West - 694.60 feet to a point;
- 4-28 THENCE North 50° 50' 05" East - 746.39 feet to a point;
- 4-29 THENCE North 03° 24' 42" West - 149.97 feet to a point;
- 4-30 THENCE North 86° 34' 44" East - 1064.74 feet to a point;
- 4-31 THENCE North 02° 33' 01" West - 3620.62 feet to a point;
- 4-32 THENCE North 86° 34' 58" East - 2003.88 feet to a point;
- 4-33 THENCE North 43° 20' 39" East - 1701.57 feet to a point and the

4-34 POINT OF BEGINNING of the herein described tract and containing
 4-35 389.92 acres of land.

4-36 TRACT 2:

4-37 Being 4.01 acres of land in the Mary Corner Survey, Abstract
 4-38 9, Montgomery County, Texas, and being the called 4.0 acre tract
 4-39 described in the deed to Peggie Lee Cooper, recorded under Volume
 4-40 1124, Page 206 (Doc. No. 7910888) of the Official Public Records of
 4-41 Real Property of Montgomery County, Texas, and described by metes
 4-42 and bounds as follows with bearings based on the Texas Coordinate
 4-43 System of 1983, Central Zone:

4-44 BEGINNING at a point in the west end of the right-of-way of
 4-45 Hill Drive and being the northeast corner of herein described
 4-46 tract;

- 4-47 THENCE South 07° 36' 26" East - 290.73 feet to a point;
- 4-48 THENCE South 86° 08' 34" West - 208.71 feet to a point;
- 4-49 THENCE South 07° 36' 26" East - 208.71 feet to a point;
- 4-50 THENCE South 86° 08' 34" West - 229.35 feet to a point;
- 4-51 THENCE North 07° 36' 26" West - 498.44 feet to a point;
- 4-52 THENCE North 85° 55' 33" East - 437.95 feet to a point and the

4-53 POINT OF BEGINNING of the herein described tract and containing
 4-54 4.01 acres of land.

4-55 SECTION 3. (a) The legal notice of the intention to
 4-56 introduce this Act, setting forth the general substance of this
 4-57 Act, has been published as provided by law, and the notice and a
 4-58 copy of this Act have been furnished to all persons, agencies,
 4-59 officials, or entities to which they are required to be furnished
 4-60 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-61 Government Code.

4-62 (b) The governor, one of the required recipients, has
 4-63 submitted the notice and Act to the Texas Commission on
 4-64 Environmental Quality.

4-65 (c) The Texas Commission on Environmental Quality has filed
 4-66 its recommendations relating to this Act with the governor, the
 4-67 lieutenant governor, and the speaker of the house of
 4-68 representatives within the required time.

4-69 (d) All requirements of the constitution and laws of this

5-1 state and the rules and procedures of the legislature with respect
5-2 to the notice, introduction, and passage of this Act are fulfilled
5-3 and accomplished.

5-4 SECTION 4. (a) If this Act does not receive a two-thirds
5-5 vote of all the members elected to each house, Subchapter C, Chapter
5-6 7910A, Special District Local Laws Code, as added by Section 1 of
5-7 this Act, is amended by adding Section 7910A.0306 to read as
5-8 follows:

5-9 Sec. 7910A.0306. NO EMINENT DOMAIN POWER. The district may
5-10 not exercise the power of eminent domain.

5-11 (b) This section is not intended to be an expression of a
5-12 legislative interpretation of the requirements of Section 17(c),
5-13 Article I, Texas Constitution.

5-14 SECTION 5. This Act takes effect immediately if it receives
5-15 a vote of two-thirds of all the members elected to each house, as
5-16 provided by Section 39, Article III, Texas Constitution. If this
5-17 Act does not receive the vote necessary for immediate effect, this
5-18 Act takes effect September 1, 2021.

5-19

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