

1-1 By: Springer S.B. No. 2208
1-2 (In the Senate - Filed April 14, 2021; April 14, 2021, read
1-3 first time and referred to Committee on Local Government;
1-4 April 27, 2021, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 27, 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 Rocky Top Ranch Municipal Utility
1-20 District of Denton 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 7905 to read as follows:

1-26 CHAPTER 7905. ROCKY TOP RANCH MUNICIPAL UTILITY DISTRICT OF DENTON
1-27 COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7905.0101. 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 Rocky Top Ranch Municipal
1-35 Utility District of Denton County.

1-36 Sec. 7905.0102. 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. 7905.0103. 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. 7905.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-44 temporary directors may not hold an election under Section
1-45 7905.0103 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. 7905.0105. 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. 7905.0106. 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. 7905.0201. 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 7905.0202, directors
2-14 serve staggered four-year terms.

2-15 Sec. 7905.0202. TEMPORARY DIRECTORS. (a) On or after the
2-16 effective date of the Act enacting this chapter, the owner or owners
2-17 of a majority of the assessed value of the real property in the
2-18 district may submit a petition to the commission requesting that
2-19 the commission appoint as temporary directors the five persons
2-20 named in the petition. The commission shall appoint as temporary
2-21 directors the five persons named in the petition.

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

2-23 (1) the date permanent directors are elected under
2-24 Section 7905.0103; 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 7905.0103 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 7905.0103; 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. 7905.0301. 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. 7905.0302. 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. 7905.0303. 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. 7905.0304. 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. 7905.0305. 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 Sec. 7905.0306. DIVISION OF DISTRICT. (a) The district may
3-9 be divided into two or more new districts only if the district:
3-10 (1) has no outstanding bonded debt; and
3-11 (2) is not imposing ad valorem taxes.
3-12 (b) This chapter applies to any new district created by the
3-13 division of the district, and a new district has all the powers and
3-14 duties of the district.
3-15 (c) A new district created by the division of the district
3-16 may not, at the time the new district is created, contain any land
3-17 outside the area described by Section 2 of the Act enacting this
3-18 chapter.
3-19 (d) The board, on its own motion or on receipt of a petition
3-20 signed by the owner or owners of a majority of the assessed value of
3-21 the real property in the district, may adopt an order dividing the
3-22 district.
3-23 (e) The board may adopt an order dividing the district
3-24 before or after the date the board holds an election under Section
3-25 7905.0103 to confirm the district's creation.
3-26 (f) An order dividing the district shall:
3-27 (1) name each new district;
3-28 (2) include the metes and bounds description of the
3-29 territory of each new district;
3-30 (3) appoint temporary directors for each new district;
3-31 and
3-32 (4) provide for the division of assets and liabilities
3-33 between the new districts.
3-34 (g) On or before the 30th day after the date of adoption of
3-35 an order dividing the district, the district shall file the order
3-36 with the commission and record the order in the real property
3-37 records of each county in which the district is located.
3-38 (h) Any new district created by the division of the district
3-39 shall hold a confirmation and directors' election as required by
3-40 Section 7905.0103. If the voters of a new district do not confirm
3-41 the creation of the new district, the assets, obligations,
3-42 territory, and governance of the new district revert to the
3-43 original district.
3-44 (i) If the creation of the new district is confirmed, the
3-45 new district shall provide the election date and results to the
3-46 commission.
3-47 (j) Any new district created by the division of the district
3-48 must hold an election as required by this chapter to obtain voter
3-49 approval before the district may impose a maintenance tax or issue
3-50 bonds payable wholly or partly from ad valorem taxes.
3-51 (k) Municipal consent to the creation of the district and to
3-52 the inclusion of land in the district granted under Section
3-53 7905.0104 acts as municipal consent to the creation of any new
3-54 district created by the division of the district and to the
3-55 inclusion of land in the new district.
3-56 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
3-57 Sec. 7905.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-58 The district may issue, without an election, bonds and other
3-59 obligations secured by:
3-60 (1) revenue other than ad valorem taxes; or
3-61 (2) contract payments described by Section 7905.0403.
3-62 (b) The district must hold an election in the manner
3-63 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-64 before the district may impose an ad valorem tax or issue bonds
3-65 payable from ad valorem taxes.
3-66 (c) The district may not issue bonds payable from ad valorem
3-67 taxes to finance a road project unless the issuance is approved by a
3-68 vote of a two-thirds majority of the district voters voting at an
3-69 election held for that purpose.

4-1 Sec. 7905.0402. OPERATION AND MAINTENANCE TAX. (a) If
4-2 authorized at an election held under Section 7905.0401, the
4-3 district may impose an operation and maintenance tax on taxable
4-4 property in the district in accordance with Section 49.107, Water
4-5 Code.

4-6 (b) The board shall determine the tax rate. The rate may not
4-7 exceed the rate approved at the election.

4-8 Sec. 7905.0403. CONTRACT TAXES. (a) In accordance with
4-9 Section 49.108, Water Code, the district may impose a tax other than
4-10 an operation and maintenance tax and use the revenue derived from
4-11 the tax to make payments under a contract after the provisions of
4-12 the contract have been approved by a majority of the district voters
4-13 voting at an election held for that purpose.

4-14 (b) A contract approved by the district voters may contain a
4-15 provision stating that the contract may be modified or amended by
4-16 the board without further voter approval.

4-17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-18 Sec. 7905.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-19 OBLIGATIONS. The district may issue bonds or other obligations
4-20 payable wholly or partly from ad valorem taxes, impact fees,
4-21 revenue, contract payments, grants, or other district money, or any
4-22 combination of those sources, to pay for any authorized district
4-23 purpose.

4-24 Sec. 7905.0502. TAXES FOR BONDS. At the time the district
4-25 issues bonds payable wholly or partly from ad valorem taxes, the
4-26 board shall provide for the annual imposition of a continuing
4-27 direct ad valorem tax, without limit as to rate or amount, while all
4-28 or part of the bonds are outstanding as required and in the manner
4-29 provided by Sections 54.601 and 54.602, Water Code.

4-30 Sec. 7905.0503. BONDS FOR ROAD PROJECTS. At the time of
4-31 issuance, the total principal amount of bonds or other obligations
4-32 issued or incurred to finance road projects and payable from ad
4-33 valorem taxes may not exceed one-fourth of the assessed value of the
4-34 real property in the district.

4-35 SECTION 2. Rocky Top Ranch Municipal Utility District of
4-36 Denton County initially includes all the territory contained in the
4-37 following area:

4-38 Tract 1:
4-39 BEING A 152.226 ACRE TRACT OF LAND SITUATED IN THE JOHN B. CRAWFORD
4-40 SURVEY, ABSTRACT NO. 224, DENTON COUNTY, TEXAS, AND BEING ALL OF A
4-41 CALLED 60.030 ACRE TRACT OF LAND CONVEYED TO GARLAND R. BOYD, AS
4-42 RECORDED IN VOLUME 2715, PAGE 650, OFFICIAL PUBLIC RECORDS, DENTON
4-43 COUNTY, TEXAS, AND THE REMAINING PORTION OF A CALLED 115.3885 ACRE
4-44 TRACT OF LAND CONVEYED TO GARLAND R. BOYD AND JOSEPHINE BOYD, AS
4-45 RECORDED IN VOLUME 1483, PAGE 250, REAL PROPERTY RECORDS, DENTON
4-46 COUNTY, TEXAS. SAID 152.226 ACRE TRACT BEING MORE PARTICULARLY
4-47 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4-48 BEGINNING AT A 1/2" CAPPED IRON ROD STAMPED "TRANSGLOBAL SERVICES"
4-49 SET FOR THE NORTHWEST CORNER OF SAID 152.226 ACRE TRACT, FROM WHICH
4-50 A 1/2" IRON ROD FOUND BEARS S 89°57'04" W, A DISTANCE OF 1302.00
4-51 FEET. SAID 1/2" CAPPED IRON ROD STAMPED "TRANSGLOBAL SERVICES"
4-52 BEING CALLED THE POINT OF BEGINNING AND HAVING A TEXAS COORDINATE
4-53 SYSTEM OF 1983, TEXAS NORTH CENTRAL ZONE (4202), STATE PLANE
4-54 COORDINATE OF N:7140353.10, E:2323847.58 FEET, FOR REFERENCE.

4-55 THENCE, N 89°57'04" E, A DISTANCE OF 1056.17 FEET TO A 1/2" CAPPED
4-56 IRON ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR CORNER ON THE NORTH
4-57 LINE OF SAID 152.226 ACRE TRACT;

4-58 THENCE, N 89°57'04" E, A DISTANCE OF 777.30 FEET TO A 1/2" CAPPED
4-59 IRON ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR CORNER ON THE NORTH
4-60 LINE OF SAID 152.226 ACRE TRACT;

4-61 THENCE, S 07°20'11" E, A DISTANCE OF 23.45 FEET TO A FENCE CORNER
4-62 POST FOUND FOR CORNER OF SAID 152.226 ACRE TRACT;

4-63 THENCE, S 89°44'52" E, A DISTANCE OF 834.84 FEET TO A 1/2" CAPPED
4-64 IRON ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR THE NORTHEAST
4-65 CORNER OF SAID 152.226 ACRE TRACT;

4-66 THENCE, S 00°24'16" W, A DISTANCE OF 2474.53 FEET TO A 1/2" CAPPED
4-67 IRON ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR THE SOUTHEAST
4-68 CORNER OF SAID 152.226 ACRE TRACT ON THE NORTH LINE OF JACKSON ROAD;
4-69 THENCE WITH THE SOUTH LINE OF SAID 152.226 ACRE TRACT THE FOLLOWING

5-1 COURSES AND DISTANCES:
5-2 N 89°34'11" W, ALONG THE NORTH LINE OF JACKSON ROAD, A
5-3 DISTANCE OF 167.02 FEET TO A BENT 1" IRON ROD FOUND FOR
5-4 CORNER;
5-5 S 00°29'47" W, OVER AND ACROSS SAID JACKSON ROAD, A DISTANCE
5-6 OF 40.00 FEET TO A 1/2" CAPPED IRON ROD STAMPED "TRANSGLOBAL
5-7 SERVICES" SET FOR AN ANGLE POINT OF SAID 152.226 ACRE TRACT;
5-8 N 89°10'42" W, A DISTANCE OF 400.35 FEET TO A 1/2" CAPPED IRON
5-9 ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR CORNER;
5-10 N 00°29'47" E, OVER AND ACROSS SAID JACKSON ROAD, A DISTANCE
5-11 OF 40.00 FEET TO A 5/8" IRON ROD FOUND FOR CORNER ON THE NORTH
5-12 LINE OF JACKSON ROAD;
5-13 N 89°13'48" W, ALONG THE NORTH LINE OF SAID JACKSON ROAD, A
5-14 DISTANCE OF 1046.07 FEET TO A FENCE CORNER POST FOR CORNER;
5-15 N 89°37'45" W, CONTINUING ALONG THE NORTH LINE OF JACKSON
5-16 ROAD, A DISTANCE OF 1055.80 FEET TO FENCE POST FOUND FOR
5-17 THE SOUTHWEST CORNER OF SAID 152.226 ACRE TRACT;
5-18 THENCE, N 00°21'12" E, DEPARTING SAID NORTH LINE OF JACKSON ROAD,
5-19 WITH THE WEST LINE OF SAID 152.226 ACRE TRACT, A DISTANCE OF 2471.99
5-20 FEET TO THE POINT OF BEGINNING, CONTAINING 152.226 ACRES OR
5-21 6,630,966 SQUARE FEET OF LAND, MORE OR LESS.
5-22 Tract 2:
5-23 BEING A 247.889 ACRE TRACT OF LAND SITUATED IN THE JOHN B. CRAWFORD
5-24 SURVEY, ABSTRACT NO. 224, DENTON COUNTY, TEXAS, AND BEING ALL OF A
5-25 CALLED 247.194 ACRE TRACT OF LAND CONVEYED TO BORUCH FRISHMAN AS
5-26 RECORDED IN VOLUME 1282, PAGE 412, OFFICIAL PUBLIC RECORDS, DENTON
5-27 COUNTY, TEXAS. SAID 247.889 ACRE TRACT BEING MORE PARTICULARLY
5-28 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
5-29 BEGINNING AT A 1/2" CAPPED IRON ROD STAMPED "TRANSGLOBAL SERVICES"
5-30 SET FOR THE SOUTHWEST CORNER OF SAID 247.889 ACRE TRACT, FROM WHICH
5-31 A 1/2" IRON ROD FOUND BEARS S 89°57'04" W, A DISTANCE OF 1597.05
5-32 FEET. SAID 1/2" CAPPED IRON ROD STAMPED "TRANSGLOBAL SERVICES"
5-33 BEING CALLED THE POINT OF BEGINNING AND HAVING A TEXAS COORDINATE
5-34 SYSTEM OF 1983, TEXAS NORTH CENTRAL ZONE (4202), STATE PLANE
5-35 COORDINATE OF N: 7140353.35, E: 2324142.63 FEET, FOR REFERENCE.
5-36 THENCE FROM SAID POINT OF BEGINNING, N 00°12'15" W, A DISTANCE OF
5-37 2466.89 FEET TO A 1/2" CAPPED IRON ROD STAMPED "TRANSGLOBAL
5-38 SERVICES" SET FOR THE NORTHWEST CORNER OF SAID 247.889 ACRE TRACT;
5-39 THENCE, S 89°45'15" E, A DISTANCE OF 3170.12 FEET TO A 1/2" IRON PIPE
5-40 FOUND FOR CORNER OF SAID 247.889 ACRE TRACT;
5-41 THENCE, S 00°24'01" W, A DISTANCE OF 603.03 FEET TO A FENCE CORNER
5-42 POST FOUND FOR CORNER OF SAID 247.889 ACRE TRACT, FROM WHICH A 1/2"
5-43 IRON ROD FOUND BEARS S 04°21'04" E, A DISTANCE OF 0.28 FEET;
5-44 THENCE, S 89°30'52" E, A DISTANCE OF 1623.61 FEET TO A 1/2" CAPPED
5-45 IRON ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR CORNER OF SAID
5-46 247.889 ACRE TRACT AND BEING IN RIPPY ROAD, FROM WHICH AN IRON ROD
5-47 FOUND BEARS N 00°07'28" W, A DISTANCE OF 604.87 FEET;
5-48 THENCE, S 00°06'47" E, ALONG SAID RIPPY ROAD, A DISTANCE OF 1832.41
5-49 FEET TO A 1/2" CAPPED IRON ROD STAMPED "TRANSGLOBAL SERVICES" SET
5-50 FOR THE SOUTHEAST CORNER OF SAID 247.889 ACRE TRACT IN RIPPY ROAD;
5-51 THENCE WITH THE SOUTH LINE OF SAID 247.889 ACRE TRACT THE FOLLOWING
5-52 COURSES AND DISTANCES:
5-53 S 89°57'04" W, A DISTANCE OF 2002.33 FEET TO A 1/2" CAPPED IRON
5-54 ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR CORNER OF SAID
5-55 247.889 ACRE TRACT;
5-56 S 01°21'57" W, A DISTANCE OF 29.78 FEET TO A FENCE CORNER POST
5-57 FOUND FOR CORNER OF SAID 247.889 ACRE TRACT;
5-58 N 89°44'52" W, A DISTANCE OF 1239.81 FEET TO A FENCE CORNER
5-59 POST FOUND FOR CORNER OF SAID 247.889 ACRE TRACT;
5-60 N 07°20'11" W, A DISTANCE OF 23.45 FEET TO A 1/2" CAPPED IRON
5-61 ROD STAMPED "TRANSGLOBAL SERVICES" SET FOR CORNER OF SAID
5-62 247.889 ACRE TRACT;
5-63 THENCE, S 89°57'04" W, CONTINUING WITH THE SOUTH LINE OF SAID
5-64 247.889 ACRE TRACT A DISTANCE OF 1538.42 FEET TO TO THE POINT OF
5-65 BEGINNING, CONTAINING 247.889 ACRES OR 10,798,024 SQUARE FEET OF
5-66 LAND, MORE OR LESS.
5-67 SECTION 3. (a) The legal notice of the intention to
5-68 introduce this Act, setting forth the general substance of this
5-69 Act, has been published as provided by law, and the notice and a

6-1 copy of this Act have been furnished to all persons, agencies,
6-2 officials, or entities to which they are required to be furnished
6-3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-4 Government Code.

6-5 (b) The governor, one of the required recipients, has
6-6 submitted the notice and Act to the Texas Commission on
6-7 Environmental Quality.

6-8 (c) The Texas Commission on Environmental Quality has filed
6-9 its recommendations relating to this Act with the governor, the
6-10 lieutenant governor, and the speaker of the house of
6-11 representatives within the required time.

6-12 (d) All requirements of the constitution and laws of this
6-13 state and the rules and procedures of the legislature with respect
6-14 to the notice, introduction, and passage of this Act are fulfilled
6-15 and accomplished.

6-16 SECTION 4. (a) If this Act does not receive a two-thirds
6-17 vote of all the members elected to each house, Subchapter C, Chapter
6-18 7905, Special District Local Laws Code, as added by Section 1 of
6-19 this Act, is amended by adding Section 7905.0307 to read as follows:

6-20 Sec. 7905.0307. NO EMINENT DOMAIN POWER. The district may
6-21 not exercise the power of eminent domain.

6-22 (b) This section is not intended to be an expression of a
6-23 legislative interpretation of the requirements of Section 17(c),
6-24 Article I, Texas Constitution.

6-25 SECTION 5. This Act takes effect immediately if it receives
6-26 a vote of two-thirds of all the members elected to each house, as
6-27 provided by Section 39, Article III, Texas Constitution. If this
6-28 Act does not receive the vote necessary for immediate effect, this
6-29 Act takes effect September 1, 2021.

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