

By: Nichols

S.B. No. 2026

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 150; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7925 to read as follows:

CHAPTER 7925. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 150

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7925.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 150.

Sec. 7925.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7925.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 7925.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7925.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 7925.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

9 (b) The district is created to accomplish the purposes of:
10 (1) a municipal utility district as provided by
11 general law and Section 59, Article XVI, Texas Constitution; and
12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 7925.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

19 (b) The boundaries and field notes contained in Section 2 of
20 the Act enacting this chapter form a closure. A mistake made in the
21 field notes or in copying the field notes in the legislative process
22 does not affect the district's:

23 (1) organization, existence, or validity;
24 (2) right to issue any type of bond for the purposes
25 for which the district is created or to pay the principal of and
26 interest on a bond;
27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7925.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7925.052, directors serve
6 staggered four-year terms.

7 Sec. 7925.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 7925.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 7925.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7925.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7925.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7925.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7925.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 7925.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 7925.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 7925.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
17 district may issue, without an election, bonds and other
18 obligations secured by:

19 (1) revenue other than ad valorem taxes; or

20 (2) contract payments described by Section 7925.153.

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

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

election held for that purpose.

Sec. 7925.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7925.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 7925.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7925.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7925.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all

or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7925.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Montgomery County Municipal Utility District No. 150 initially includes all the territory contained in the following area:

TRACT 1

BEING a 104.295 acre tract of land situated in the John Corner Survey, Abstract No. 8 and William W. Shepperd Survey, Abstract No. 480, Montgomery County, Texas, and being portions of a 111.857 acre tract and a 33.863 acre tract described in deed to Joe and Margaret Havens recorded under County Clerk's File No. 9512940 of the Official Public Records of Montgomery County, Texas, said 104.295 acre tract being more particularly described as follows:

BEGINNING at a point for the southwesterly corner of the herein described tract, intersecting the northerly line of Lot 49, Block 1 of HILLTOP RANCH Section One, according to the map or plat thereof recorded in Cabinet O, Sheet 138 of the Map Records of Montgomery County, Texas, with the centerline of a creek marking the southeasterly corner of a 14 acre tract described in deed to Michelle Rod recorded under County Clerk's File No. 9464986;

THENCE with the centerline meanders of said creek with said Michelle Rod tracts and the easterly line of HAVENSHIRE, according

to the map or plat thereof recorded in Cabinet H, Sheet 167B of said
Map Records, the following courses:

N 26° 13' 05" W a distance of 51.78 feet;
N 28° 45' 08" E a distance of 42.11 feet;
N 09° 57' 01" W a distance of 37.70 feet;
N 00° 20' 47" E a distance of 33.27 feet;
N 08° 19' 59" E a distance of 46.73 feet;
N 17° 53' 25" W a distance of 52.33 feet;
N 02° 01' 03" W a distance of 35.10 feet;
N 20° 27' 58" E a distance of 54.76 feet;
N 77° 51' 46" E a distance of 14.94 feet;
N 02° 05' 13" E a distance of 32.05 feet;
N 26° 41' 04" E a distance of 48.80 feet;
N 52° 24' 09" E a distance of 33.97 feet;
N 01° 35' 47" W a distance of 22.36 feet;
N 39° 56' 21" E a distance of 23.00 feet;
N 21° 46' 39" E a distance of 53.85 feet;
N 04° 53' 17" W a distance of 72.71 feet;
N 23° 25' 46" E a distance of 52.54 feet;
N 10° 26' 22" W a distance of 56.96 feet;
N 23° 46' 15" W a distance of 87.18 feet;
N 26° 07' 26" E a distance of 93.63 feet;
N 13° 43' 28" E a distance of 94.42 feet;
N 07° 20' 06" W a distance of 64.76 feet;
N 13° 43' 28" E a distance of 94.42 feet;
N 07° 20' 06" W a distance of 64.76 feet;
N 06° 18' 51" E a distance of 65.94 feet;

1 N 10° 40' 56" E a distance of 67.46 feet;
2 N 60° 18' 51" E a distance of 30.12 feet;
3 N 15° 02' 04" W a distance of 89.41 feet;
4 N 07° 23' 04" W a distance of 39.42 feet;
5 N 28° 13' 04" W a distance of 77.11 feet;
6 N 05° 31' 33" E a distance of 272.91 feet;
7 N 16° 49' 23" W a distance of 91.96 feet;
8 N 04° 50' 18" E a distance of 388.64 feet;
9 N 04° 11' 29" W a distance of 97.63 feet;
10 N 45° 06' 37" E a distance of 38.26 feet;
11 N 78° 17' 50" E a distance of 36.42 feet;
12 N 60° 44' 40" E a distance of 36.96 feet;
13 N 24° 08' 56" E a distance of 40.27 feet;
14 N 06° 09' 31" W a distance of 29.13 feet;
15 N 24° 39' 37" E a distance of 64.56 feet;
16 N 07° 25' 20" E a distance of 223.80 feet;
17 N 45° 47' 55" W a distance of 23.01 feet;
18 N 50° 13' 14" W a distance of 26.04 feet;
19 N 33° 21' 31" E a distance of 65.51 feet to the
20 southeasterly corner of HAVENSHIRE;
21 N 33° 21' 31" E a distance of 12.17 feet;
22 N 48° 55' 17" E a distance of 37.89 feet;
23 N 26° 06' 07" E a distance of 71.77 feet;
24 N 33° 11' 43" E a distance of 28.93 feet;
25 N 59° 21' 27" E a distance of 18.014 feet;
26 N 11° 10' 57" E a distance of 43.46 feet;
27 N 36° 37' 32" E a distance of 48.15 feet;

1 N 55° 42' 50" E a distance of 29.84 feet;
2 N 23° 53' 30" E a distance of 42.50 feet;
3 N 56° 06' 44" E a distance of 25.39 feet;
4 N 78° 34' 35" E a distance of 47.29 feet;
5 S 71° 55' 54" E a distance of 35.75 feet;
6 N 58° 59' 00" E a distance of 34.65 feet;
7 N 33° 34' 27" E a distance of 41.01 feet;
8 N 10° 35' 25" W a distance of 68.96 feet;
9 N 13° 53' 45" E a distance of 42.68 feet;
10 N 24° 16' 07" E a distance of 18.96 feet;
11 N 24° 16' 07" E a distance of 58.38 feet;
12 N 04° 43' 37" W a distance of 60.72 feet;
13 N 00° 25' 47" E a distance of 59.18 feet;
14 N 27° 52' 00" W a distance of 64.19 feet;
15 N 21° 55' 01" E a distance of 44.33 feet;
16 N 44° 12' 25" E a distance of 62.23 feet;
17 N 00° 00' 00" E a distance of 55.00 feet;
18 N 30° 17' 33" W a distance of 38.49 feet to a point in the
19 easterly line of a 21.245 acre tract described in deed to
20 Texas Fund No. 6, L.P. recorded under County Clerk's File
21 No. 2008-092439;
22 N 14° 51' 56.5" W a distance of 72.27 feet;
23 N 11° 26' 33" W a distance of 22.36 feet;
24 N 85° 29' 27" E a distance of 44.08 feet;
25 N 80° 22' 25" E a distance of 28.29 feet;
26 S 82° 25' 56" E a distance of 78.62 feet;
27 N 75° 27' 29" E a distance of 33.41 feet to a point in the

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westerly line of a 1.442 acre tract Surveyed by Steve Laughlin, now described in Correction Special Warrant Deed recorded under County Clerk's File No. 2014062252;

THENCE with the westerly line of said 1.442 acre tract the following courses:

S 14° 25' 15" E a distance of 109.29 feet;

S 31° 22' 57" E a distance of 103.76 feet;

S 47° 02' 57" E a distance of 68.02 feet to a point in the westerly line of a 48.450 acre tract described in deed to Kampgrounds of America recorded under County Clerk's File No. 2007-000471;

THENCE with the westerly and southerly lines of said Kampgrounds of America 48.450 acre tract the following courses:

S 29° 07' 31" W a distance of 169.27 feet;

S 10° 09' 55" W a distance of 143.50 feet;

S 62° 00' 58" E a distance of 514.46 feet;

S 47° 30' 15" E a distance of 151.80 feet;

S 53° 17' 47" W a distance of 186.45 feet;

S 47° 53' 11" E a distance of 387.41 feet;

Southeasterly with a curve to the right having a radius of 245.00 feet, an arc length of 135.99 feet (S 04° 50' 31" E 134.25 feet);

S 53° 56' 16" W a distance of 21.17 feet;

S 21° 34' 47" W a distance of 40.23 feet;

S 67° 48' 53" W a distance of 157.62 feet;

S 09° 57' 31" W a distance of 376.44 feet;

S 74° 20' 34" E a distance of 303.88 feet;

1 N 64° 45' 21" E a distance of 152.52 feet;
2 N 32° 20' 41" E a distance of 329.71 feet;
3 N 49° 49' 48" E a distance of 256.39 feet;
4 N 62° 12' 41" E a distance of 114.56 feet;
5 N 48° 05' 27" E a distance of 182.47 feet;
6 N 23° 15' 09" W a distance of 167.19 feet;
7 N 81° 45' 56" E a distance of 309.70 feet to a point in
8 the westerly line of a 60 foot wide Roadway Easement (County
9 Clerk's Files No. 9219821, 9219822 and 9212379) also known as
10 Club Drive;

11 THENCE with the westerly line of said Roadway Easement the
12 following courses:

13 Southwesterly with a curve to the right having a radius
14 of 1022.90 feet, an arc length of 335.98 feet (S 03° 48' 04" W
15 335.98');

16 S 13° 15' 13" W a distance of 205.00 feet;

17 Southwesterly with a curve to the left having a radius
18 of 1236.57 feet, an arc length of 809.44 feet (S 32° 00' 22" W
19 795.06');

20 S 50° 45' 30" W a distance of 103.78 feet;

21 Southwesterly with a curve to the right having a radius
22 of 496.54 feet, an arc length of 229.94 feet (S 37° 29' 30" W
23 227.90 feet);

24 South 24° 13' 30" West a distance of 13.50 feet to a
25 point in the northerly line of those tracts described in deed
26 to Cross Development recorded under County Clerk's File
27 No. 2007-037729;

1 THENCE with the northerly line of the Cross Development tract
2 S 90° 00'00" W a distance of 719.68 feet to the northeasterly corner
3 of said Havens 33.863 acre tract;

4 THENCE with the westerly line of said 33.863 acre tract S 00°
5 00' 00" E a distance of 1353.32 feet to a point in the westerly line
6 of Lot 37, of HILLTOP RANCH and northeasterly corner of Lot 47;

7 THENCE with the northerly line of Lots 47, 48 and 49 of
8 HILLTOP RANCH N 89° 23' 54" W a distance of 1180.50 feet to the POINT
9 OF BEGINNING.

10 CONTAINING a computed area of 104.295 acres of land within
11 this Field Note Description.

12 TRACT 2

13 BEING a 22.551 acre tract of land situated in the John Corner
14 Survey, Abstract No. 8, Montgomery County, Texas, and being a
15 portion of that certain 35.7767 acre tract described in deed to H
16 and T Partnership recorded under County Clerk's File No. 9413864 of
17 the Official Public Records of Montgomery County, Texas, and being
18 that same tract described in deed to Joe D. Havens recorded under
19 County Clerk's File No. 99010873, m said 22.551 acre tract being
20 more particularly described as follows:

21 BEGINNING at a 5/8 inch iron rod found for the most easterly
22 corner of said H and T Partnership 35.7767 acre tract, also being
23 the northwesterly corner of a lot 21, Block 6, of ROMAN HILLS
24 SECTION ONE, according to the map or plat thereof recorded in
25 Cabinet A, Sheet 81 of the Map Records of Montgomery County, Texas,
26 and the southeasterly corner of a 24.04 acre tract described in deed
27 to D.C. Van Orden recorded under County Clerk's File

1 No. 2004-133004;

2 THENCE with the westerly line of ROMAN HILLS SECTION ONE
3 South 12° 30' 08" West a distance of 350.06 feet to a 5/8 inch iron
4 rod found for the northeasterly corner of a 50.014 acre tract
5 described in deed to Westland Oil Development Corporation recorded
6 under County Clerk's File No. 8038846, now part of those tracts
7 conveyed to Cross Development Montgomery LLC recorded under County
8 Clerk's File No. 2007-037729;

9 THENCE with the northerly line of said 50.014 acre tract
10 North 89° 58' 53" West a distance of 1619.79 feet to a 5/8 inch iron
11 rod found for corner;

12 THENCE North 00° 00' 00" East (NORTH) a distance of 178.31
13 feet to a 5/8 inch iron rod found for corner;

14 THENCE South 90° 00' 00" West (WEST) a distance of 414.30 feet
15 to a 5/8 inch iron rod found in the easterly right-of-way line of a
16 60 foot wide Roadway Easement recorded under County Clerk's File
17 No. 9219822;

18 THENCE with the easterly line of said Roadway Easement the
19 following courses:

20 Northeasterly with a curve to the right having a radius
21 of 436.54 feet, an arc length of 188.57 feet through a central
22 angle of 24° 44' 57" (chord bearing N 38° 23' 02" E 187.10 feet)
23 to a 5/8 inch iron rod found for corner;

24 North 50° 45' 30" East a distance of 103.78 feet to a 5/8
25 inch iron rod found for corner;

26 Northeasterly with a curve to the left having a radius
27 of 1296.57 feet, an arc length of 848.71 feet, through a

1 central angle of 37° 30' 17" (chord bearing N 32° 00' 21" E
2 83.64 feet) to a 5/8 inch iron rod found for the southwesterly
3 corner of a 4.905 acre tract described in deed to Secure Cash
4 Network recorded under County Clerk's File No. 2006-032988;

5 THENCE departing said Roadway Easement South 76° 46' 58" East
6 a distance of 10.57 feet to a 5/8 inch iron rod found in the easterly
7 line of said 35.7767 acre parent tract and westerly line of a 54.14
8 acre tract described in deed to William Wilcox recorded under
9 County Clerk's File No. 2000-099370;

10 THENCE South 13° 14' 32" West a distance of 416.30 feet to a 58
11 inch iron rod found for Wilcox's southwesterly corner;

12 THENCE South 76° 46' 57" East a distance of 1075.77 feet to a
13 5/8 inch iron rod found for Wilcox's southeasterly corner and
14 southwesterly corner of said 24.04 acre Van Orden tract;

15 THENCE with Van Orden's southerly line South 78° 36' 00" East
16 a distance of 519.54 feet to the POINT OF BEGINNING.

17 CONTAINING a computed area of 22.551 acres of land within
18 this Field Note Description.

19 SECTION 3. (a) The legal notice of the intention to
20 introduce this Act, setting forth the general substance of this
21 Act, has been published as provided by law, and the notice and a
22 copy of this Act have been furnished to all persons, agencies,
23 officials, or entities to which they are required to be furnished
24 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
25 Government Code.

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

10 SECTION 4. (a) If this Act does not receive a two-thirds
11 vote of all the members elected to each house, Subchapter C, Chapter
12 7925, Special District Local Laws Code, as added by Section 1 of
13 this Act, is amended by adding Section 7925.106 to read as follows:

14 Sec. 7925.106. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

16 (b) This section is not intended to be an expression of a
17 legislative interpretation of the requirements of Section 17(c),
18 Article I, Texas Constitution.

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2015.