

By: King of Parker

H.B. No. 2912

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the New Fairview Municipal Utility District No. 1; 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 7987 to read as follows:

CHAPTER 7987. NEW FAIRVIEW MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7987.001. 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 New Fairview Municipal Utility District No. 1.

Sec. 7987.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7987.003. 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. 7987.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7987.003  
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. 7987.005. 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. 7987.006. 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. 7987.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7987.052, directors serve  
6 staggered four-year terms.

7           Sec. 7987.052. TEMPORARY DIRECTORS. (a) On or after  
8 September 1, 2017, the owner or owners of a majority of the assessed  
9 value of the real property in the district may submit a petition to  
10 the commission requesting that the commission appoint as temporary  
11 directors the five persons named in the petition. The commission  
12 shall appoint as temporary directors the five persons named in the  
13 petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 7987.003; or

17                   (2) September 1, 2021.

18           (c) If permanent directors have not been elected under  
19 Section 7987.003 and the terms of the temporary directors have  
20 expired, successor temporary directors shall be appointed or  
21 reappointed as provided by Subsection (d) to serve terms that  
22 expire on the earlier of:

23                   (1) the date permanent directors are elected under  
24 Section 7987.003; or

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

27           (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district  
2 may submit a petition to the commission requesting that the  
3 commission appoint as successor temporary directors the five  
4 persons named in the petition. The commission shall appoint as  
5 successor temporary directors the five persons named in the  
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 7987.101. GENERAL POWERS AND DUTIES. The district has  
9 the powers and duties necessary to accomplish the purposes for  
10 which the district is created.

11 Sec. 7987.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
12 DUTIES. The district has the powers and duties provided by the  
13 general law of this state, including Chapters 49 and 54, Water Code,  
14 applicable to municipal utility districts created under Section 59,  
15 Article XVI, Texas Constitution.

16 Sec. 7987.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
17 52, Article III, Texas Constitution, the district may design,  
18 acquire, construct, finance, issue bonds for, improve, operate,  
19 maintain, and convey to this state, a county, or a municipality for  
20 operation and maintenance macadamized, graveled, or paved roads, or  
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 7987.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
23 project must meet all applicable construction standards, zoning and  
24 subdivision requirements, and regulations of each municipality in  
25 whose corporate limits or extraterritorial jurisdiction the road  
26 project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road  
2 project must meet all applicable construction standards,  
3 subdivision requirements, and regulations of each county in which  
4 the road project is located.

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

8 Sec. 7987.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
9 OR RESOLUTION. The district shall comply with all applicable  
10 requirements of any ordinance or resolution that is adopted under  
11 Section 54.016 or 54.0165, Water Code, and that consents to the  
12 creation of the district or to the inclusion of land in the  
13 district.

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 7987.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
16 district may issue, without an election, bonds and other  
17 obligations secured by:

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

19 (2) contract payments described by Section 7987.153.

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

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

1       Sec. 7987.152. OPERATION AND MAINTENANCE TAX. (a) If  
2 authorized at an election held under Section 7987.151, the district  
3 may impose an operation and maintenance tax on taxable property in  
4 the district in accordance with Section 49.107, Water Code.

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

7       Sec. 7987.153. CONTRACT TAXES. (a) In accordance with  
8 Section 49.108, Water Code, the district may impose a tax other than  
9 an operation and maintenance tax and use the revenue derived from  
10 the tax to make payments under a contract after the provisions of  
11 the contract have been approved by a majority of the district voters  
12 voting at an election held for that purpose.

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

16               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17       Sec. 7987.201. AUTHORITY TO ISSUE BONDS AND OTHER  
18 OBLIGATIONS. The district may issue bonds or other obligations  
19 payable wholly or partly from ad valorem taxes, impact fees,  
20 revenue, contract payments, grants, or other district money, or any  
21 combination of those sources, to pay for any authorized district  
22 purpose.

23       Sec. 7987.202. TAXES FOR BONDS. At the time the district  
24 issues bonds payable wholly or partly from ad valorem taxes, the  
25 board shall provide for the annual imposition of a continuing  
26 direct ad valorem tax, without limit as to rate or amount, while all  
27 or part of the bonds are outstanding as required and in the manner

provided by Sections 54.601 and 54.602, Water Code.

Sec. 7987.203. 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 New Fairview Municipal Utility District No. 1 initially includes all the territory contained in the following area:

BEING A 634.507 ACRES TRACT OF LAND CALLED OUT OF THE T. CARPENTER SURVEY, ABSTRACT NO. 172 AND THE W. BRAMLETT SURVEY, ABSTRACT NO. 123, WISE COUNTY, TEXAS: BEING ALL OF THOSE CERTAIN TRACTS OF LAND AS DESCRIBED IN VOLUME 155, PAGE 580, & VOLUME 123, PAGE 290, DEED RECORDS, WISE COUNTY, TEXAS, AND CONTAINING ALL OF THOSE CERTAIN TRACTS OF LAND AS DESCRIBED IN CLERK FILE NO. 201600522 & CLERK FILE NO. 201600523, OFFICIAL RECORDS, WISE COUNTY, TEXAS: BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET 1/2" IRON ROD WITH PLASTIC CAP IN THE EAST LINE OF THE FORT WORTH & DENVER CITY RAILROAD RIGHT OF WAY, BEING FIFTY FEET EAST OF & PERPENDICULAR TO THE CENTER OF THE EXISTING RAILROAD LINE, AT THE NORTHWEST CORNER OF THE THIRD TRACT (V. 123, P. 290), SAME BEING THE SOUTHWEST CORNER OF A CALLED 30 ACRES TRACT OF LAND DESCRIBED IN VOLUME 5, PAGE 151, D.R.W.C.T., FOR THE NORTHWEST AND BEGINNING CORNER OF

THIS TRACT.

THENCE ALONG THE SOUTH & EAST LINES OF SAID 30 ACRES AS  
FOLLOWS:

1) N 89°35'28" E 2484.06 FEET TO A 4" STEEL FENCE CORNER  
POST, FOR AN ELL CORNER OF THIS TRACT.

2) N 01°02'34" W 533.58 FEET TO A FOUND 1" IRON PIPE AT  
THE SOUTHEAST CORNER OF THAT CALLED 187.08 ACRES AS  
DESCRIBED IN CLERK FILE NO. 201322567, O.R.W.C.T., FOR  
A CORNER OF THIS TRACT.

3) THENCE N 00°16'14" E 349.12 FEET TO A FOUND 3/8" IRON  
ROD AT THE SOUTHWEST CORNER OF THOSE CERTAIN TRACTS OF  
LAND DESCRIBED IN VOLUME 1643, PAGE 644, O.R.W.C.T.,  
FOR THE NORTHWEST CORNER OF THIS TRACT.

4) THENCE N 89°40'40" E AT 1203.8 FEET PASS A FOUND 1/2"  
IRON ROD WITH PLASTIC CAP STAMPED "MANNING" AT THE  
NORTHWEST CORNER OF THAT CALLED 34.00 ACRES TRACT OF  
LAND DESCRIBED IN CLERK FILE NO. 201600522,  
O.R.W.C.T., AT 2609.13 FEET PASS A FOUND 3/8" IRON ROD  
IN THE FENCED WEST LINE OF PIONEER STREET, A GRAVEL  
SURFACE, FOR A TOTAL DISTANCE OF 2632.66 FEET TO A  
POINT, FOR THE NORTHEAST CORNER OF THIS TRACT.

5) THENCE S 00°25'18" E 3975.79 FEET WITHIN SAID  
PIONEER STREET TO A POINT, AT THE NORTHEAST CORNER OF  
THAT CALLED 3.673 ACRES CONVEYED TO BRAZOS ELECTRIC  
POWER COOPERATIVE, INC. IN VOLUME 931, PAGE 495,  
O.R.W.C.T., FOR A CORNER OF THIS TRACT.

THENCE ALONG THE NORTH, WEST, & SOUTH LINES OF SAID



BRAZOS ELECTRIC TRACT AS FOLLOWS:

6) S 89°39'22" W 400.00 FEET TO A FOUND CAPPED 3/4" IRON  
ROD;

7) S 00°20'10" E 399.94 FEET TO A FOUND CAPPED 3/4" IRON  
ROD;

8) N 89°39'51" E 400.01 FEET TO A POINT WITHIN SAID  
PIONEER STREET, FOR A CORNER OF THIS TRACT.

9) THENCE S 00°20'12" E 358.93 FEET WITHIN SAID PIONEER  
STREET TO A FOUND 3/8" IRON ROD IN THE NORTH LINE OF  
THAT CALLED 80 ACRES TRACT OF LAND DESCRIBED IN VOLUME  
1547, PAGE 588, O.R.W.C.T., FOR THE EASTERLY SOUTHEAST  
CORNER OF THIS TRACT.

THENCE ALONG THE COMMON LINE OF SAID FIFTH TRACT (V.  
123, P. 290) & SAID 80 ACRES TRACT AS FOLLOWS:

10) S 89°16'40" W 2595.51 FEET TO A FOUND 3/8" IRON ROD;

11) S 00°41'22" E 1800.91 FEET TO A POINT WITHIN PIONEER  
STREET, AN ASPHALT SURFACE, AT THE SOUTHEAST CORNER OF  
THAT CALLED 22.00 ACRES TRACT OF LAND DESCRIBED IN  
CLERK FILE NO. 201600523, O.R.W.C.T., FOR THE  
SOUTHERLY SOUTHEAST CORNER OF THIS TRACT.

12) THENCE N 89°57'00" W WITHIN SAID PIONEER STREET AT  
772.70 FEET PASS A FOUND P.K. NAIL IN ASPHALT AT THE  
SOUTHWEST CORNER OF SAID 22.00 ACRES, FOR A TOTAL  
DISTANCE OF 2919.89 FEET TO A POINT IN THE SIMPLE CURVE  
OF A SPIRAL CURVE, BEING THE EAST LINE OF SAID FORT  
WORTH & DENVER CITY RAILROAD RIGHT OF WAY, FOR THE  
SOUTHWEST CORNER OF THIS TRACT. WHENCE A FOUND PK NAIL

BEARS S 89°57'00" E 1.58 FEET.

THENCE FIFTY FEET EAST OF & PERPENDICULAR TO THE CENTER  
OF THE EXISTING RAILROAD LINE AS FOLLOWS:

SC1) ALONG THE ARC OF A SIMPLE CURVE TO THE RIGHT,  
HAVING A RADIUS OF 2873.39 FEET, AN ARC LENGTH OF  
195.21 FEET, AND WHOSE CHORD BEARS N 01°50'09" W 195.17  
FEET TO A SET 1/2" IRON ROD WITH PLASTIC CAP AT THE  
CURVE TO SPIRAL, A CHORD BEARS N 02°35'55" E 376.69 FEET  
TO THE SPIRAL TO TANGENT;

13) N 03°50'04" E 5090.43 FEET TO THE POINT OF  
BEGINNING.

BEARINGS & DISTANCES DERIVED FROM G.P.S. OBSERVATIONS  
PERFORMED BY CARTER SURVEYING & MAPPING, INC. AND  
REFLECT SURFACE ADJUSTED, N.A.D. 1983, TEXAS STATE  
PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202,  
USING TEXAS DEPARTMENT OF TRANSPORTATION SURFACE  
ADJUSTMENT FACTOR OF 1.00012.

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

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

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

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

9           SECTION 4. (a) If this Act does not receive a two-thirds  
10 vote of all the members elected to each house, Subchapter C, Chapter  
11 7987, Special District Local Laws Code, as added by Section 1 of  
12 this Act, is amended by adding Section 7987.106 to read as follows:

13           Sec. 7987.106. NO EMINENT DOMAIN POWER. The district may  
14 not exercise the power of eminent domain.

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

18           SECTION 5. This Act takes effect September 1, 2017.