AN ACT

relating to the creation of the Fort Bend County Municipal Utility
District No. 200; providing authority to impose a tax and issue
bonds; granting a limited power of eminent domain.

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 8337 to read as follows:

CHAPTER 8337. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 200

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8337.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fort Bend County Municipal
Utility District No. 200.

Sec. 8337.002. NATURE OF DISTRICT. The district is a
municipal utility district created under Section 59, Article XVI,
Texas Constitution.

Sec. 8337.003. 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.

Sec. 8337.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:
(1) a municipal utility district as provided by
general law and Section 59, Article XVI, Texas Constitution; and
(2) Section 52, Article III, Texas Constitution, that
relate to the construction, acquisition, or improvement of
macadamized, graveled, or paved roads described by Section 54.234,
Water Code, or improvements, including storm drainage, in aid of
those roads.

Sec. 8337.005. INITIAL DISTRICT TERRITORY. (a) The
district is initially composed of the territory described by
Section 2 of the Act creating this chapter.
(b) The boundaries and field notes contained in Section 2 of
the Act creating this chapter form a closure. A mistake made in the
field notes or in copying the field notes in the legislative process
does not affect the district's:
(1) organization, existence, or validity;
(2) right to issue any type of bond for the purposes
for which the district is created or to pay the principal of and
interest on a bond;
(3) right to impose a tax; or
(4) legality or operation.

[Sectors 8337.006-8337.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8337.051. GOVERNING BODY; TERMS. (a) The district is
governed by a board of five elected directors.
(b) Except as provided by Section 8337.052, directors serve
staggered four-year terms.

Sec. 8337.052. TEMPORARY DIRECTORS. (a) The temporary
board consists of:

(1) Alan Lee;
(2) U. L. Edwards;
(3) Danny Wilbanks;
(4) Jim Taylor; and
(5) John West.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8337.003; or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8337.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8337.003; or

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

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.
SUBCHAPTER C. POWERS AND DUTIES

Sec. 8337.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8337.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8337.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8337.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8337.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain
the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8337.105. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8337.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8337.106-8337.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8337.151. ELECTIONS REGARDING TAXES OR BONDS.

(a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8337.153.

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

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

Sec. 8337.152. OPERATION AND MAINTENANCE TAX. (a) If
authorized at an election held under Section 8337.151, 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. 8337.153. 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.

[Sections 8337.154-8337.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8337.201. 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. 8337.202. 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. 8337.203. 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 Fort Bend County Municipal Utility District
No. 200 initially includes all the territory contained in the
following area:

FIELD NOTES FOR A 65.877 ACRE TRACT OF LAND IN THE WILLIAM
ANDREWS LEAGUE, ABSTRACT 3, AND THE JOHN FOSTER 2-1/2 LEAGUE GRANT,
ABSTRACT 26, FORT BEND COUNTY, TEXAS, SAID 65.877 ACRE TRACT BEING
COMPRISED OF THAT CERTAIN CALLED 7.00 ACRE TRACT RECORDED IN VOLUME
1722, PAGE 589, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT
CERTAIN CALLED 28.00 ACRE TRACT RECORDED IN VOLUME 1722, PAGE 574,
OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED
26.00 ACRE TRACT RECORDED IN VOLUME 2375, PAGE 1438, OFFICIAL
RECORDS, FORT BEND COUNTY, TEXAS, AND THAT CERTAIN CALLED 5.00 ACRE
TRACT RECORDED IN VOLUME 1543, PAGE 948, OFFICIAL RECORDS, FORT
BEND COUNTY, TEXAS, WITH ALL Bearings BASED UPON THE TEXAS
COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS
OBSERVATIONS OF FORT BEND COUNTY MONUMENT NUMBER FB08.
BEGINNING at a 1/2 inch iron pipe with cap marked "Kalkomey
Surveying" found in the north right-of-way line of F. M. Highway 359
(100-feet wide) for the southeast corner of said called 28.00 acre tract, same being the southwest corner of an adjoining called 4.5256 acre tract recorded under County Clerk's File Number 1999005944, Official Public Records, Fort Bend County, Texas, for the lower southeast corner and Place of Beginning of the herein described tract, said point bears North 69 degrees 07 minutes 59 seconds West, 658.65 feet (called North 66 degrees 53 minutes 39 seconds West, 658.51 feet) from a concrete monument found at the intersection of the north right-of-way line of F. M. Highway 359 with the west right-of-way line of F. M. Highway 723 (100-feet wide);

THENCE North 69 degrees 06 minutes 58 seconds West (called North 66 degrees 53 minutes 39 seconds West) along the south line of the herein described tract and the south line of said called 28.00 acre tract, same being the north right-of-way line of F. M. Highway 359, 672.77 feet (called 672.80 feet) to a 1/2 inch iron pipe found on said line for angle point, being the southwest corner of said called 28.00 acre tract, same being the southeast corner of the aforementioned called 26.00 acre tract;

THENCE North 68 degrees 55 minutes 26 seconds West (called North 66 degrees 53 minutes 39 seconds West) along the south line of the herein described tract, the south line of said called 26.00 acre tract, and the south line of the aforementioned called 5.00 acre tract, same being the north right-of-way line of F. M. Highway 359, 668.02 feet to a concrete monument found at the beginning of a curve to the left;

THENCE along said curve to the left having a central angle of
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02 degrees 16 minutes 15 seconds, a radius of 3,870.00 feet, an arc
length of 153.37 feet, and a chord bearing North 69 degrees 55
minutes 17 seconds West, 153.36 feet to a point on said curve for
the southwest corner of the herein described tract and the
southwest corner of said called 5.00 acre tract, same being the
southeast corner of an adjoining called 10.228 acre tract recorded
in Volume 2584, Page 467, Official Records, Fort Bend County,
Texas;

THENCE North 02 degrees 03 minutes 09 seconds West (adjoiner
called North 00 degrees 17 minutes 10 seconds West) along the west
line of the herein described tract and the west line of said called
5.00 acre tract, same being the east line of said adjoining called
10.228 acre tract, at 0.35 feet pass a 1/2 inch iron pipe found in
concrete on said line, and continuing for a total distance of 462.83
feet (adjoiner called 462.4 feet) to an axle found on said line for
angle point;

THENCE North 02 degrees 17 minutes 04 seconds West (adjoiner
called North) continuing along the west line of the herein
described tract and the west line of said called 5.00 acre tract,
and along the west line of the aforementioned called 26.00 acre
tract, same being the east line of said adjoining called 10.228 acre
tract, at 327.68 feet pass a 1/2 inch iron pipe found 2.95 feet left
of said line, and continuing for a total distance of 512.48 feet
(adjoiner called 512.70 feet) to a 1-1/4 inch iron pipe found on
said line for angle point, said point being the northeast corner of
said adjoining called 10.228 acre tract, same being the southeast
corner of an adjoining called 112.617 acre tract recorded in Volume
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759, Page 180, Deed Records, Fort Bend County, Texas;

THENCE North 02 degrees 23 minutes 34 seconds West (adjoiner called North) along the west line of the herein described tract and the west line of said called 26.00 acre tract, same being the east line of said adjoining called 112.617 acre tract, at 565.00 feet pass a 1/2 inch iron pipe with cap marked "Kalkomy Surveying" set on said line for reference, and continuing for a total distance of 785.90 feet (adjoiner called 760 feet) to a point on the centerline of Jones Creek for the northwest corner of the herein described tract and the northwest corner of said called 26.00 acre tract, same being the northeast corner of said adjoining called 112.617 acre tract, the southeast corner of an adjoining called 64.28 acre tract recorded under Probate File Number 16,393, Probate Records, Fort Bend County, Texas, described in Volume 203, Page 392, Deed Records, Fort Bend County, Texas, and the southwest corner of an adjoining called 26.2992 acre tract recorded under County Clerk's File Number 2004151301, Official Public Records, Fort Bend County, Texas;

THENCE along the centerline of Jones Creek, being the common line of the herein described tract and said adjoining called 26.2992 acre tract, with the following meanders:

South 64 degrees 31 minutes 36 seconds East, 280.44 feet;

South 76 degrees 15 minutes 19 seconds East, 149.11 feet;

North 88 degrees 53 minutes 35 seconds East, 340.35 feet;
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1 South 81 degrees 11 minutes 21 seconds East, 613.46 feet;

2 South 75 degrees 31 minutes 44 seconds East, 38.64 feet
to a point for the upper northeast corner of the herein described
tract and the northeast corner of the aforementioned called 28.00
acre tract, same being the northwest corner of an adjoining called
6.00 acre tract recorded under Probate File Number 15,316, Probate
Records, Fort Bend County, Texas, described in Volume 1291, Page
289, Official Records, Fort Bend County, Texas;

10 THENCE South 02 degrees 23 minutes 02 seconds East (adjoiner
called South 00 degrees 09 minutes 07 seconds East) along the common
line of the herein described tract and said adjoining called 6.00
acre tract, at 170.05 feet pass a 1/2 inch iron pipe found on said
line for reference, and continuing for a total distance of 431.86
feet (adjoinder called 431.93 feet) to a 1/2 inch iron pipe found for
a reentry corner to the herein described tract, same being the
southwest corner of said adjoining called 6.00 acre tract, and
being the northwest corner of the aforementioned called 7.00 acre
tract;

10 THENCE South 76 degrees 29 minutes 28 seconds East (called
South 74 degrees 17 minutes 23 seconds East) continuing along said
common line, 632.36 feet (called 632.52 feet) to a 1/2 inch iron
pipe found in the west right-of-way line of F. M. Highway 723 for
the lower northeast corner of the herein described tract and the
northeast corner of said called 7.00 acre tract, same being the
southeast corner of said adjoining called 6.00 acre tract;

THENCE South 02 degrees 16 minutes 54 seconds East (called
South 00 degrees 02 minutes 09 seconds East) along the most easterly east line of the herein described tract and the east line of said called 7.00 acre tract, same being the west right-of-way line of F. M. Highway 723, 543.27 feet (called 543.35 feet) to a 1/2 inch iron pipe found for the upper southeast corner of the herein described tract and the southeast corner of said called 7.00 acre tract, same being the northeast corner of an adjoining called 5.236 acre tract recorded under County Clerk's File Number 2006017382, Official Public Records, Fort Bend County, Texas;

THENCE North 69 degrees 21 minutes 26 seconds West (called North 67 degrees 14 minutes 09 seconds West) along the common line of the herein described tract and said adjoining called 5.236 acre tract, 659.41 feet (called 659.37 feet) to a 1/2 inch iron pipe with cap marked "Kalkomy Surveying" found for a reentry corner to the herein described tract, being the southwest corner of said called 7.00 acre tract, same being the northwest corner of said adjoining called 5.236 acre tract, and being in the east line of the aforementioned called 28.00 acre tract;

THENCE South 02 degrees 16 minutes 32 seconds East (adjoiner called South 00 degrees 09 minutes 07 seconds East) continuing along said common line, 377.92 feet (adjoiner called 377.90 feet) to a 1/2 inch iron pipe with cap marked "Kalkomy Surveying" found on said line for angle point, said point being the upper southwest corner of said adjoining called 5.236 acre tract, same being the northwest corner of the aforementioned adjoining called 4.5256 acre tract;

THENCE South 02 degrees 19 minutes 53 seconds East (adjoiner
called South 00 degrees 09 minutes 07 seconds East) along the lower
east line of the herein described tract and the east line of said
called 28.00 acre tract, same being the west line of said adjoining
called 4.5256 acre tract, at 341.30 feet pass a 1/2 inch iron pipe
found on said line, and continuing for a total distance of 772.86
feet (adjoine called 771.90 feet) to the Place of Beginning and
containing 65.877 acres of land, more or less.

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.

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

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

SECTION 4. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2009.
S.B. No. 880

David Dewhurst  
President of the Senate

I hereby certify that S.B. No. 880 passed the Senate on May 12, 2009, by the following vote: Yeas 31, Nays 0.

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 880 passed the House on May 25, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Batie H. Sull  
Secretary of the Senate

Robert Harper  
Chief Clerk of the House

Approved:

19 JUN '09 Date

Rick Perry  
Governor

Filed in the office of the Secretary of State
2 PM, JUN 19, 2009

Colby photon