

1 AN ACT

2 relating to the creation of the Southeast Montgomery County  
3 Municipal Utility District No. 1; providing authority to impose a  
4 tax and issue bonds; granting the power of eminent domain.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8241 to read as follows:

8 CHAPTER 8241. SOUTHEAST MONTGOMERY COUNTY MUNICIPAL UTILITY

9 DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8241.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Southeast Montgomery County  
15 Municipal Utility District No. 1.

16 Sec. 8241.002. NATURE OF DISTRICT. (a) The district is a  
17 municipal utility district created under and essential to  
18 accomplish the purposes of Section 59, Article XVI, Texas  
19 Constitution.

20 (b) The district, to the extent authorized by Section  
21 8241.103 and Section 52, Article III, Texas Constitution, has road  
22 powers.

23 Sec. 8241.003. CONFIRMATION ELECTION REQUIRED. The board  
24 shall hold an election to confirm the creation of the district as

1 provided by Section 49.102, Water Code.

2 Sec. 8241.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All  
3 land and other property in the district will benefit from the  
4 improvements and services to be provided by the district.

5 Sec. 8241.005. INITIAL DISTRICT TERRITORY. (a) The  
6 district is initially composed of the territory described by  
7 Section 2 of the Act creating this chapter.

8 (b) The boundaries and field notes contained in Section 2 of  
9 the Act creating this chapter form a closure. A mistake in the  
10 field notes or in copying the field notes in the legislative process  
11 does not affect the district's:

12 (1) organization, existence, or validity;

13 (2) right to issue any type of bond for a purpose for  
14 which the district is created or to pay the principal of and  
15 interest on the bond;

16 (3) right to impose an assessment or tax; or

17 (4) legality or operation.

18 [Sections 8241.006-8241.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8241.051. GOVERNING BODY; TERMS. (a) The district is  
21 governed by a board of five elected directors.

22 (b) Directors serve staggered four-year terms.

23 Sec. 8241.052. INITIAL DIRECTORS. (a) The initial board  
24 consists of:

25 (1) Brad J. Dubros;

26 (2) Bill E. Slezer;

27 (3) Ronnie Christian;

1           (4) Norman Stalarow; and

2           (5) Marlon Doerre.

3           (b) Unless the initial board agrees otherwise, the initial  
4 directors shall draw lots to determine which two shall serve until  
5 the first regularly scheduled election of directors and which three  
6 shall serve until the second regularly scheduled election of  
7 directors.

8           (c) This section expires September 1, 2014.

9           [Sections 8241.053-8241.100 reserved for expansion]

10                   SUBCHAPTER C. POWERS AND DUTIES

11           Sec. 8241.101. GENERAL POWERS AND DUTIES. The district has  
12 the powers and duties necessary to accomplish the purposes for  
13 which the district is created.

14           Sec. 8241.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
15 DUTIES. The district has the powers and duties provided by the  
16 general law of this state, including Chapters 49 and 54, Water Code,  
17 applicable to municipal utility districts created under Section 59,  
18 Article XVI, Texas Constitution.

19           Sec. 8241.103. ROAD PROJECTS. (a) Under Section 52,  
20 Article III, Texas Constitution, the district may finance,  
21 construct, or acquire a road project as provided by this section.

22           (b) The district shall employ or contract with a licensed  
23 engineer to certify whether a proposed road project meets the  
24 criteria for a thoroughfare, arterial, or collector road of:

25                   (1) a county in whose jurisdiction the proposed road  
26 project is located; or

27                   (2) a municipality in whose corporate limits or

1 extraterritorial jurisdiction the proposed road project is  
2 located.

3 (c) The district may finance, construct, or acquire a road  
4 that has been certified by the licensed engineer as a thoroughfare,  
5 arterial, or collector road, or any improvements in aid of the  
6 certified road.

7 (d) A road project must meet all applicable standards,  
8 regulations, ordinances, or orders of:

9 (1) each municipality in whose corporate limits or  
10 extraterritorial jurisdiction the road project is located; and

11 (2) each county in which the road project is located if  
12 the road project is not located in the corporate limits of a  
13 municipality.

14 (e) The district may, with the consent of the municipality  
15 or county, convey a completed road project to:

16 (1) a municipality in whose corporate limits or  
17 extraterritorial jurisdiction the road project is located; or

18 (2) a county in which the road project is located.

19 Sec. 8241.104. COMPLIANCE WITH MUNICIPAL CONSENT  
20 RESOLUTION. The district shall comply with all applicable  
21 requirements of any resolution, adopted by the governing body of a  
22 municipality under Section 54.016, Water Code, that consents to the  
23 creation of the district or to the inclusion of land in the  
24 district.

25 Sec. 8241.105. RECREATIONAL FACILITIES; LIMIT ON EMINENT  
26 DOMAIN POWER. (a) In this section, "recreational facilities" and  
27 "develop and maintain" have the meanings assigned by Section

1 49.462, Water Code.

2 (b) The district may develop and maintain recreational  
3 facilities.

4 (c) The district may not, for the development or maintenance  
5 of a recreational facility, acquire by condemnation land, an  
6 easement, or other property inside or outside the district.

7 [Sections 8241.106-8241.150 reserved for expansion]

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 8241.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
10 district may issue, without an election, bonds and other  
11 obligations secured by revenue or contract payments from a source  
12 other than ad valorem taxation.

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

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

21 Sec. 8241.152. OPERATION AND MAINTENANCE TAX. (a) If  
22 authorized at an election held under Section 8241.151, the district  
23 may impose an operation and maintenance tax on taxable property in  
24 the district as provided by Chapter 49.107, Water Code.

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

27 [Sections 8241.153-8241.200 reserved for expansion]

SUBCHAPTER E. BONDS

1  
2 Sec. 8241.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3 OBLIGATIONS. The district may issue bonds or other obligations  
4 payable wholly or partly from ad valorem taxes, impact fees,  
5 revenue, grants, or other district money, or any combination of  
6 those sources, to pay for any authorized district purpose.

7 Sec. 8241.202. BONDS FOR ROAD PROJECTS. At the time of  
8 issuance, the total principal amount of a bond, note, or other  
9 obligation issued or incurred to finance a road project may not  
10 exceed one-fourth of the assessed value of real property in the  
11 district according to the most recent certified tax appraisal roll  
12 for Montgomery County.

13 Sec. 8241.203. BONDS FOR RECREATIONAL FACILITIES. If  
14 authorized at an election under Section 8241.151, the district may  
15 issue bonds payable from ad valorem taxes to pay for the development  
16 and maintenance of recreational facilities.

17 Sec. 8241.204. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
18 the time bonds or other obligations payable wholly or partly from ad  
19 valorem taxes are issued:

20 (1) the board shall impose a continuing direct annual  
21 ad valorem tax, without limit as to rate or amount, for each year  
22 that all or part of the bonds are outstanding; and

23 (2) the district annually shall impose an ad valorem  
24 tax on all taxable property in the district in an amount sufficient  
25 to:

26 (A) pay the interest on the bonds or other  
27 obligations as the interest becomes due;

1                   (B) create a sinking fund for the payment of the  
2 principal of the bonds or other obligations when due or the  
3 redemption price at any earlier required redemption date; and

4                   (C) pay the expenses of imposing the taxes.

5           SECTION 2. The Southeast Montgomery County Municipal  
6 Utility District No. 1 initially includes all the territory  
7 contained in the following area:

8 BEING 314.951 ACRES OF LAND IN THE AUGUSTUS V. SHARP SURVEY, A-481,  
9 THE P. HUNTER SURVEY, A-273, MONTGOMERY COUNTY, TEXAS, SAID 314.951  
10 ACRES BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

11 BEGINNING at a 1/2" iron rod found for the Northwest corner of the  
12 Mark W. Martin, Trustee 120.00 acre tract of land deed of which is  
13 recorded under County Clerk's File Number 2005-044315, Montgomery  
14 County Real Property Records, in the South line of the Mark W.  
15 Martin and Tom Martin 107.212 acre tract of land deed of which is  
16 recorded under County Clerk's File Number 2006-051346, Montgomery  
17 County Real Property Records;

18 THENCE N. 86° 55' 02" E., along the North line of the 120.00 acre  
19 tract, the South line of the 107.212 acre tract for a distance of  
20 1,672.66 feet to a 3/4" iron pipe found for the Southeast corner of  
21 the 107.212 acre tract, the Northeast corner of the said 120.00 acre  
22 tract;

23 THENCE N. 02° 55' 11" W., along the East line of the 107.212 acre  
24 tract passing at 1,226.85 feet a 3/4" iron pipe found for reference  
25 and continuing in all for a distance of 1,229.30 feet to the Lower  
26 Northeast corner of the 107.212 acre tract, the Northwest corner of  
27 the herein described tract, in the centerline of White Oak Creek;

1 THENCE along said centerline generally in a Southerly direction as  
2 follows;

- 3 1. S. 52° 24' 16" E., 68.57 feet,
- 4 2. S. 49° 07' 11" E., 13.18 feet,
- 5 3. S. 77° 41' 34" E., 11.30 feet,
- 6 4. S. 66° 29' 25" E., 21.81 feet,
- 7 5. S. 07° 28' 04" E., 14.97 feet,
- 8 6. S. 15° 05' 07" E., 22.51 feet,
- 9 7. S. 31° 49' 21" E., 16.59 feet,
- 10 8. S. 62° 45' 08" E., 19.74 feet,
- 11 9. S. 36° 28' 44" E., 34.33 feet,
- 12 10. S. 54° 19' 16" E., 16.56 feet,
- 13 11. S. 47° 39' 18" E., 41.25 feet,
- 14 12. S. 57° 32' 35" E., 19.76 feet,
- 15 13. N. 84° 15' 11" E., 18.30 feet,
- 16 14. S. 38° 26' 55" E., 56.62 feet,
- 17 15. S. 84° 42' 06" E., 38.91 feet,
- 18 16. S. 38° 56' 56" E., 62.83 feet,
- 19 17. S. 04° 28' 48" W., 21.41 feet,
- 20 18. S. 44° 05' 05" E., 35.05 feet,
- 21 19. S. 08° 32' 56" E., 32.48 feet,
- 22 20. S. 86° 52' 35" W., 22.61 feet,
- 23 21. S. 21° 47' 29" E., 24.21 feet,
- 24 22. S. 37° 21' 20" E., 19.50 feet,
- 25 23. S. 48° 31' 17" E., 66.39 feet,
- 26 24. S. 56° 54' 01" E., 37.31 feet,
- 27 25. S. 56° 22' 48" E., 37.35 feet,



1 26. S. 54° 40' 56" E., 99.58 feet,  
2 27. S. 52° 23' 53" E., 91.94 feet,  
3 28. S. 48°08' 24" E., 74.36 feet,  
4 29. S. 86° 48' 40" E., 25.06 feet,  
5 30. S. 51° 09' 25" E., 28.28 feet,  
6 31. S. 45° 39' 42" E., 36.95 feet,  
7 32. S. 36° 31' 54" E., 38.73 feet,  
8 33. S. 60° 40' 24" E., 55.81 feet,  
9 34. S. 34° 08' 12" E., 19.90 feet,  
10 35. S. 27° 22' 32" E., 59.72 feet,  
11 36. S. 72° 15' 28" E., 39.29 feet,  
12 37. S. 62° 15' 55" E., 55.06 feet,  
13 38. S. 46° 19' 59" E., 54.06 feet,  
14 39. N. 89° 43' 40" E., 25.74 feet,  
15 40. S. 48° 23' 01" E., 24.31 feet,  
16 41. S. 46° 16' 06" E., 21.83 feet,  
17 42. S. 44° 21' 16" E., 37.11 feet to the Northeast corner of the  
18 herein described tract, same being the Northwest corner of the Mark  
19 W. Martin 48.580 acre tract of land deed of which is recorded under  
20 County Clerk's File Number 2001-059696, Montgomery County Real  
21 Property Records;  
22 THENCE S. 02° 45' 34" E., leaving said centerline along the West line  
23 of the 48.580 acre tract for a distance of 4,039.22 feet to a 1/2"  
24 iron rod found for its Southwest corner, the Southeast corner of the  
25 herein described tract, in the North line of Timberland Estates  
26 Section 2, a Subdivision, map of which is recorded in Cabinet J,  
27 Sheet 30, Montgomery County Map Records

1 THENCE S. 87° 14' 26" W., along the North line of Timberland Estates,  
2 Section 2 for a distance of 3,643.40 feet to a 5/8" iron rod found  
3 for the Northwest corner of Timberland Estates, Section 2, the  
4 Southeast corner of the Mark W. Martin, Trustee and Tom A. Martin,  
5 Trustee 44.762 acre tract of land deed of which is recorded under  
6 County Clerk's File Number 2004-066018, Montgomery County Real  
7 Property Records, same being the Northeast corner of the Mark W.  
8 Martin, Trustee and Tom A. Martin, Trustee 24.393 acre tract of land  
9 deed of which is recorded under County Clerk's File Number  
10 2004-066018, Montgomery County Real Property Records;

11 THENCE S. 48° 47' 01" W., along the Southeast line of the 24.393 acre  
12 tract, the Northwest line of Timberland Estates, Section 2 passing  
13 at 6.54 feet a 1/2" iron rod found for the Lower Northwest corner of  
14 said Section 2, the Northeast corner of Timberland Estates, Section  
15 1, a Subdivision, map of which is recorded in Cabinet I, Sheet 10,  
16 Montgomery County Map Records and continuing in all for a distance  
17 of 2,154.65 feet to a 1/2" iron rod found for the South corner of the  
18 24.393 acre tract, the South corner of the herein described tract;

19 THENCE N. 41° 14' 24" W., along the west line of the 24.393 acre  
20 tract for a distance of 586.94 feet to a 5/8" iron rod found for  
21 corner;

22 THENCE N. 48° 47' 01" E., for a distance of 420.42 feet to a 5/8" iron  
23 rod found for corner;

24 THENCE N. 08° 35' 37" E., for a distance of 78.52 feet to a 5/8" iron  
25 rod found for corner;

26 THENCE N. 48° 45' 36" E., for a distance of 120.00 feet to a 5/8" iron  
27 rod set for corner;

1 THENCE S. 41° 14' 24" E., for a distance of 339.73 feet to a 5/8" iron  
2 rod found for corner;  
3 THENCE N. 48° 42' 03" E., for a distance of 290.00 feet to a 5/8" iron  
4 rod found for corner;  
5 THENCE N. 41° 14' 24" W., for a distance of 682.83 feet to a 5/8" iron  
6 rod found for corner;  
7 THENCE S. 87° 17' 38" W., for a distance of 230.30 feet to a 5/8" iron  
8 rod found for the beginning of a curve to the left;  
9 THENCE in a Southwesterly direction along said curve to the left  
10 having a radius of 368.62 feet, a central angle of 25° 22' 17" for an  
11 arc length of 163.23 feet, chord bears S. 74° 36' 30" W., 161.90 feet  
12 to a 5/8" iron rod found for the end of curve;  
13 THENCE S. 61° 43' 41" W., for a distance of 32.46 feet to a 5/8" iron  
14 rod found for corner;  
15 THENCE in a Northwesterly direction along a curve to the right  
16 having a radius of 330.00 feet, a central angle of 03° 02' 07" for an  
17 arc length of 17.48 feet, chord bears N. 32° 51' 56" W., 17.48 feet  
18 to a 5/8" iron rod found for the end of curve;  
19 THENCE N. 34° 22' 58" W., for a distance of 50.00 feet to a 5/8" iron  
20 rod found for corner;  
21 THENCE in a Northwesterly direction along a curve to the right  
22 having a radius of 570.00 feet, passing at 18.91 feet a 5/8" iron  
23 rod found for the Southeast corner of Cumberland Crossing, Section  
24 1, a Subdivision, map of which is recorded in Cabinet X, Sheet 155,  
25 Montgomery County Map Records, same being the Southeast corner of  
26 Horseshoe Drive and continuing in all for an arc length of 58.64  
27 feet, a central angle of 05° 53' 40" chord bears N. 31° 26' 19" W.,

1 58.61 feet to a 5/8" iron rod found for the end of curve;  
2 THENCE N. 28° 29' 17" W., continuing along the East line of Horseshoe  
3 Drive for a distance of 60.30 feet to a 5/8" iron rod found for the  
4 beginning of a curve to the right;  
5 THENCE in a Northeasterly direction continuing with the East line  
6 of Horseshoe drive along said curve to the right having a radius of  
7 20.00 feet, a central angle of 90° 00' 00" for an arc length of 31.42  
8 feet, chord bears N. 16° 30' 43" E., 28.28 feet to a 5/8" iron rod  
9 found for the end of curve, at the Southeast corner of Painted  
10 Boulevard, ( 60' );  
11 THENCE N. 61° 30' 43" E., for a distance of 21.41 feet to a 5/8" iron  
12 rod found for the beginning of a curve to the right;  
13 THENCE in a Northeasterly direction along said curve to the right  
14 having a radius of 570.00 feet, a central angle of 25° 46' 55" for an  
15 arc length of 256.49 feet, chord bears N. 74° 24' 11" E., 254.33 feet  
16 to a 5/8" iron rod found for the end of curve;  
17 THENCE N. 87° 17' 38" E., for a distance of 716.03 feet to a 5/8" iron  
18 rod found for corner;  
19 THENCE N. 02° 42' 22" W., for a distance of 490.46 feet to a 5/8" iron  
20 rod found for corner, in the North line of the said 44.762 acre  
21 tract, the South line of the Alfredo F. Manuel Jr; and wife Maria C.  
22 Manuel 230.00 acre tract of land deed of which is recorded under  
23 County Clerk's File Number 9467115, Montgomery County Real Property  
24 Records;  
25 THENCE N. 86° 55' 27" E., along the above mentioned lines for a  
26 distance of 2.060.78 feet to a 1/2" iron rod found for the Southwest  
27 corner of the said 120.00 acre tract;

1 THENCE N. 02° 55' 13" W., along the West line of the 120.00 acre  
2 tract for a distance of 3,125.33 feet to the POINT OF BEGINNING and  
3 containing in all 314.951 acres of land.

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

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

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

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

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.

Raid Neuhorst

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 3998 was passed by the House on May 9, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Robert Honey  
Chief Clerk of the House

I certify that H.B. No. 3998 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Daisy Spaw  
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6 PM O'CLOCK

JUN 15 2007  
Roger Williams  
Secretary of State