

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting the 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 8236 to read as follows:

CHAPTER 8236. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8236.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Waller County Municipal Utility District No. 2.

Sec. 8236.002. NATURE OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district, to the extent authorized by Section 8236.103 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8236.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

1       Sec. 8236.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All  
2 land and other property in the district will benefit from the  
3 improvements and services to be provided by the district.

4       Sec. 8236.005. INITIAL DISTRICT TERRITORY. (a) The  
5 district is initially composed of the territory described by  
6 Section 2 of the Act creating this chapter.

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

11           (1) organization, existence, or validity;

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

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

16           (4) legality or operation.

17       Sec. 8236.006. EFFECT OF CHAPTER ON BROOKSHIRE-KATY  
18 DRAINAGE DISTRICT OF WALLER COUNTY. This chapter does not affect  
19 the powers of the Brookshire-Katy Drainage District of Waller  
20 County.

21       [Sections 8236.007-8236.050 reserved for expansion]

22           SUBCHAPTER B. BOARD OF DIRECTORS

23       Sec. 8236.051. GOVERNING BODY; TERMS. (a) The district is  
24 governed by a board of five elected directors.

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

26       Sec. 8236.052. INITIAL DIRECTORS. (a) The initial board  
27 consists of:

- (1) Jason Kelly;
- (2) Sandra E. Baggett;
- (3) Irma Ocampo;
- (4) Paul Cornett; and
- (5) Ben Stamets.

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

(c) This section expires September 1, 2014.

[Sections 8236.053-8236.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8236.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8236.102. 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. 8236.103. ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may finance, construct, or acquire a road project as provided by this section.

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

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

3           (2) a municipality in whose corporate limits or  
4 extraterritorial jurisdiction the proposed road project is  
5 located.

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

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

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

14           (2) if the road project is not located in the corporate  
15 limits of a municipality, each county in which the road project is  
16 located.

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

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

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

22          Sec. 8236.104. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
23 OR RESOLUTION. The district shall comply with all applicable  
24 requirements of any ordinance or resolution, adopted by the  
25 governing body of a municipality under Section 54.016, Water Code,  
26 that consents to the creation of the district or to the inclusion of  
27 land in the district.

1 [Sections 8236.105-8236.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8236.151. ELECTIONS REGARDING TAXES OR BONDS.

4 (a) The district may issue, without an election, bonds and other  
5 obligations secured by revenue or contract payments from a source  
6 other than ad valorem taxation.

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

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

15 Sec. 8236.152. OPERATION AND MAINTENANCE TAX. (a) If  
16 authorized at an election held under Section 8236.151, the district  
17 may impose an operation and maintenance tax on taxable property in  
18 the district as provided by Section 49.107, Water Code.

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

21 [Sections 8236.153-8236.200 reserved for expansion]

22 SUBCHAPTER E. BONDS

23 Sec. 8236.201. AUTHORITY TO ISSUE BONDS AND OTHER  
24 OBLIGATIONS. The district may issue bonds or other obligations  
25 payable wholly or partly from ad valorem taxes, impact fees,  
26 revenue, grants, or other district money, or any combination of  
27 those sources, to pay for any authorized district purpose.

1       Sec. 8236.202. BONDS FOR ROAD PROJECTS. At the time of  
2 issuance, the total principal amount of a bond, note, or other  
3 obligation issued or incurred to finance a road project may not  
4 exceed one-fourth of the assessed value of real property in the  
5 district according to the most recent certified tax appraisal roll  
6 for Waller County.

7       Sec. 8236.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
8 the time bonds or other obligations payable wholly or partly from ad  
9 valorem taxes are issued:

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

13           (2) the district annually shall impose an ad valorem  
14 tax on all taxable property in the district in an amount sufficient  
15 to:

16                   (A) pay the interest on the bonds or other  
17 obligations as the interest becomes due;

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

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

22       SECTION 2. The Waller County Municipal Utility District No.  
23 2 initially includes all the territory contained in the following  
24 area:

25 Being a 419.987-acre (18,294,644 square foot) tract of land  
26 situated in the H. &T.C.R.R. Survey, Section 73, A-154, the T.S.  
27 Reese Survey, A-330 and the Nathan Brookshire Survey, A-16, Waller

1 County, Texas, being out of a 150.62-acre tract of land recorded in  
2 Volume 262, Page 403 of the Waller County Deed Records, being out of  
3 a 93.675-acre tract of land recorded in Volume 240, Page 93 of the  
4 Waller County Deed Records, being out of a 24.1408-acre tract of  
5 land recorded in Volume 250, Page 9 of the Waller County Deed  
6 Records, being out of a 302.299-acre tract of land recorded in  
7 Volume 233, Page 774 of the Waller County Deed Records, being out of  
8 a 191.19-acre tract of land recorded in Volume 237, Page 329 of the  
9 Waller County Deed Records and being more particularly described by  
10 metes and bounds as follows:

11 BEGINNING at a 4-inch x 4-inch concrete monument found for the  
12 point-of-intersection of the westerly right-of-way line of Woods  
13 Road (80 feet wide) with the southerly right-of-way line of  
14 Interstate Highway No. 10 (width varies) for the northeasterly  
15 corner of said 191.19-acre tract and for the northeasterly corner  
16 of this tract;

17 THENCE South 02° 06' 49" East, a distance of 1,690.14 feet with the  
18 westerly right-of-way line of said Woods Road to a 5/8-inch iron rod  
19 with cap stamped "Weisser Eng. Houston, Tx." set for a  
20 point-of-curvature;

21 THENCE In a southerly direction with the westerly right-of-way line  
22 of said Woods Road and with a tangent curve to the right having a  
23 radius of 1,105.92 feet, a central angle of 17° 00' 00", a length of  
24 328.13 feet and a chord bearing South 06° 23' 11" West, a distance of  
25 326.93 feet to a 1/2-inch iron pipe found for a point-of-tangency;

26 THENCE South 14° 53' 11" West, a distance of 249.26 feet with the  
27 westerly right-of-way line of said Woods Road to a 1/2-inch iron

1 pipe found for a point-of-curvature;  
2 THENCE In a southerly direction with the westerly right-of-way line  
3 of said Woods Road and with a tangent curve to the left having a  
4 radius of 1,185.92 feet, a central angle of 17° 30' 00", a length of  
5 362.22 feet and a chord bearing South 06° 08' 11" West, a distance of  
6 360.81 feet to a 1/2-inch iron pipe found for a point-of-tangency;  
7 THENCE South 02° 36' 49" East, a distance of 2,007.29 feet with the  
8 westerly right-of-way line of said Woods Road to a 5/8-inch iron rod  
9 with cap stamped "Weisser Eng. Houston, Tx." set for the  
10 southeasterly corner of said 150.62-acre tract and for the  
11 southeasterly corner of this tract, from which a 1-1/2-inch iron  
12 pipe found bears South 87° 46' 29" West, a distance of 0.69 feet;  
13 THENCE South 87° 46' 29" West, a distance of 3,184.82 feet with the  
14 northerly line of a 150.0909-acre tract of land described as "First  
15 Tract" as recorded in Volume 152, Page 268 of the Waller County Deed  
16 Records to a 1-1/2-inch iron pipe found for the most southerly  
17 southwesterly corner of this tract;  
18 THENCE North 02° 33' 17" West, a distance of 1,996.16 feet with the  
19 easterly line of the Archie K. Brookshire 30-acre tract of land as  
20 recorded in Volume 60, Page 580 of the Waller County Deed Records to  
21 a 1-1/2-inch iron pipe found for an interior corner of this tract;  
22 THENCE South 86° 30' 38" West, a distance of 1,396.67 feet with the  
23 northerly line of said 30-acre tract and with the northerly line of  
24 the Howard L. Brookshire 30-acre tract of land as recorded in Volume  
25 147, Page 248 of the Waller County Deed Records to a 1-1/2-inch iron  
26 pipe found for an interior corner of this tract;  
27 THENCE South 03° 34' 47" East, a distance of 703.09 feet with the



1 westerly line of said Howard L. Brookshire 30-acre tract to a  
2 1-1/2-inch iron pipe found for an angle point of this tract;  
3 THENCE South 02° 27' 11" East, a distance of 364.21 feet with the  
4 westerly line of said Howard L. Brookshire 30-acre tract to a  
5 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set  
6 for a southeasterly corner of this tract;  
7 THENCE South 87° 24' 31" West, a distance of 1,319.86 feet with the  
8 northerly line of a 51.4349-acre tract of land conveyed to Ferrin B.  
9 Moreland, et ux, as recorded in Volume 425, Page 448 of the Waller  
10 County Deed Records to a point in the centerline of Brookshire Creek  
11 for the southwesterly corner of this tract;  
12 THENCE North 09° 09' 28" East, a distance of 205.56 feet with the  
13 centerline of said Brookshire Creek to an angle point of this tract;  
14 THENCE North 86° 15' 35" East, a distance of 824.76 feet with a  
15 southerly line of the City of Brookshire Extra Territorial  
16 Jurisdiction (ETJ) to an angle point of this tract;  
17 THENCE North 03° 14' 31" West, a distance of 963.99 feet with an  
18 easterly line of said ETJ to an angle point of this tract;  
19 THENCE North 86° 33' 18" East, a distance of 1,511.04 feet with a  
20 southerly line of said ETJ to an angle point of this tract;  
21 THENCE North 03° 23' 50" West, a distance of 2,146.58 feet with an  
22 easterly line of said ETJ to an angle point of this tract;  
23 THENCE North 86° 59' 22" East, a distance of 691.51 feet with a  
24 southerly line of said ETJ to an angle point of this tract;  
25 THENCE North 02° 19' 12" West, a distance of 1,237.10 feet with an  
26 easterly line of said ETJ to an angle point of this tract;  
27 THENCE South 82° 59' 18" East, a distance of 1,969.10 feet with the

1 southerly right-of-way line of said Interstate Highway No. 10 (320  
2 feet wide) to a 5/8-inch iron rod with cap stamped "Weisser Eng.  
3 Houston, Tx." set for a point-of-curvature, from which a 4-inch  
4 concrete monument found bears South 83° 31' 43" East, a distance of  
5 0.85 feet;

6 THENCE In an easterly direction with the southerly right-of-way  
7 line of said Interstate Highway No. 10 and with a tangent curve to  
8 the right having a radius of 532.96 feet, central angle of 31° 16'  
9 33", a length of 290.92 feet and a chord bearing South 67° 21' 02"  
10 East, a distance of 287.33 feet to a 5/8-inch iron rod with cap  
11 stamped "Weisser Eng. Houston, Tx." set for a point-of-tangency,  
12 from which a 4-inch concrete monument found bears South 79° 35' 01"  
13 East, a distance of 0.73 feet;

14 THENCE South 51° 42' 45" East, a distance of 463.64 feet with the  
15 southerly right-of-way line of said Interstate Highway No. 10 to a  
16 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set  
17 for a point-of-curvature, from which a 4-inch concrete monument  
18 found bears South 77° 49' 56" East, a distance of 1.16 feet;

19 THENCE In an easterly direction with the southerly right-of-way  
20 line of said Interstate Highway No. 10 and with a tangent curve to  
21 the left having a radius of 612.96 feet, central angle of 40° 00'  
22 00", a length of 427.93 feet and a chord bearing South 71° 42' 45"  
23 East, a distance of 419.29 feet to a 5/8-inch iron rod with cap  
24 stamped "Weisser Eng. Houston, Tx." set for a point-of-tangency,  
25 from which a 4-inch concrete monument found bears South 66° 01' 45"  
26 East, a distance of 0.52 feet;

27 THENCE North 88° 17' 15" East, a distance of 105.30 feet with the

1 southerly right-of-way line of said Interstate Highway No. 10 to  
2 the POINT OF BEGINNING and containing 419.987 acres (18,294,644  
3 square feet) 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.

AKC  
dca

S.B. No. 1954

David Newkum  
President of the Senate

Tom Caddick  
Speaker of the House

I hereby certify that S.B. No. 1954 passed the Senate on April 26, 2007, by the following vote: Yeas 31, Nays 0.

Steve Saw  
Secretary of the Senate

I hereby certify that S.B. No. 1954 passed the House on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Hamey  
Chief Clerk of the House

Approved:

15 JUN 07  
Date

Rick Perry  
Governor

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

Roger Williams  
Secretary of State