

Chapter 76

H.B. No. 1963

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 70; 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 7964 to read as follows:

CHAPTER 7964. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 70

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7964.001. 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 Brazoria County Municipal Utility District No. 70.

Sec. 7964.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7964.003. 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. 7964.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7964.003
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. 7964.005. 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. 7964.006. 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. 7964.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7964.052, directors serve
6 staggered four-year terms.

7 Sec. 7964.052. 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 7964.003; 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 7964.003 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 7964.003; 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. 7964.101. 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. 7964.102. 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. 7964.103. LEVEE IMPROVEMENT DISTRICT POWERS AND
18 DUTIES. The district has the powers and duties provided by the
19 general law of this state, including Chapter 57, Water Code,
20 applicable to levee improvement districts created under Section 59,
21 Article XVI, Texas Constitution.

22 Sec. 7964.104. AUTHORITY FOR ROAD PROJECTS. Under Section
23 52, Article III, Texas Constitution, the district may design,
24 acquire, construct, finance, issue bonds for, improve, operate,
25 maintain, and convey to this state, a county, or a municipality for
26 operation and maintenance macadamized, graveled, or paved roads, or
27 improvements, including storm drainage, in aid of those roads.

1 Sec. 7964.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road
2 project must meet all applicable construction standards, zoning and
3 subdivision requirements, and regulations of each municipality in
4 whose corporate limits or extraterritorial jurisdiction the road
5 project is located.

6 (b) If a road project is not located in the corporate limits
7 or extraterritorial jurisdiction of a municipality, the road
8 project must meet all applicable construction standards,
9 subdivision requirements, and regulations of each county in which
10 the road project is located.

11 (c) If the state will maintain and operate the road, the
12 Texas Transportation Commission must approve the plans and
13 specifications of the road project.

14 Sec. 7964.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
15 OR RESOLUTION. The district shall comply with all applicable
16 requirements of any ordinance or resolution that is adopted under
17 Section 54.016 or 54.0165, Water Code, and that consents to the
18 creation of the district or to the inclusion of land in the
19 district.

20 Sec. 7964.107. DIVISION OF DISTRICT. (a) The district may
21 be divided into two or more new districts only if:

22 (1) the district has no outstanding bonded debt; and

23 (2) the district is not imposing ad valorem taxes.

24 (b) This chapter applies to any new district created by the
25 division of the district, and a new district has all the powers and
26 duties of the district.

27 (c) Any new district created by the division of the district

1 may not, at the time the new district is created, contain any land
2 outside the area described by Section 2 of the Act creating this
3 chapter.

4 (d) The board, on its own motion or on receipt of a petition
5 signed by the owner or owners of a majority of the assessed value of
6 the real property in the district, may adopt an order dividing the
7 district.

8 (e) The board may adopt an order dividing the district
9 before or after the date the board holds an election under Section
10 7964.003 to confirm the creation of the district.

11 (f) An order dividing the district shall:

12 (1) name each new district;

13 (2) include the metes and bounds description of the
14 territory of each new district;

15 (3) appoint temporary directors for each new district;

16 and

17 (4) provide for the division of assets and liabilities
18 between or among the new districts.

19 (g) On or before the 30th day after the date of adoption of
20 an order dividing the district, the district shall file the order
21 with the commission and record the order in the real property
22 records of each county in which the district is located.

23 (h) Any new district created by the division of the district
24 shall hold a confirmation and directors' election as required by
25 Section 7964.003.

26 (i) If the creation of the new district is confirmed, the
27 new district shall provide the election date and results to the

1 commission.

2 (j) Any new district created by the division of the district
3 must hold an election as required by this chapter to obtain voter
4 approval before the district may impose a maintenance tax or issue
5 bonds payable wholly or partly from ad valorem taxes.

6 (k) Municipal consent to the creation of the district and to
7 the inclusion of land in the district granted under Section
8 7964.004 acts as municipal consent to the creation of any new
9 district created by the division of the district and to the
10 inclusion of land in the new district.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 7964.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
13 district may issue, without an election, bonds and other
14 obligations secured by:

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

16 (2) contract payments described by Section 7964.153.

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

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

25 Sec. 7964.152. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 7964.151, the district
27 may impose an operation and maintenance tax on taxable property in

1 the district in accordance with Section 49.107, Water Code.

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

4 Sec. 7964.153. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7964.201. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 7964.202. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7964.203. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Brazoria County Municipal Utility District
5 No. 70 initially includes all the territory contained in the
6 following area:

7 A METES & BOUNDS description of a certain 2273.1 acres of land
8 situated in the H.T.&B.R.R. Company Survey, Abstract No. 254, the
9 H.T.&B.R.R. Company Survey, Abstract No. 251, the A. A. Talmage
10 Survey, Abstract No. 554, the A. A. Talmage Survey, Abstract
11 No. 553 and the James L Holmes Heirs Survey, Abstract No. 610, all
12 in Brazoria County, Texas and being out of a called 2856.555 acre
13 tract of land (Tract 1) and a called 14.188 acre tract of land
14 (Tract 2), conveyed to Dee S. Osborne by the deed recorded in Volume
15 1159, Page 715 of the Brazoria County Deed Records, a called 98.2535
16 acre tract of land conveyed to Southeast Properties, Ltd by the deed
17 recorded in Clerk's File No. 92-33050 of the Brazoria County
18 Official Public Records and a called 109.232 acre tract of land
19 conveyed to Southeast Properties, LTD recorded in Volume 1221, Page
20 362 of the Brazoria County Deed Records; said 2273.1 acres being
21 more particularly described in two tracts as follows, with all
22 bearings being based on the Texas Coordinate System, South Central
23 Zone, NAD 83;

24 TRACT ONE, 1208.2 ACRES

25 BEGINNING at a found 5/8-inch iron rod at the northwest
26 corner of said 14.188 acre tract, common with the northeast corner
27 of a called 2.50 acre tract of land conveyed to Carlos Hernandez and

1 Olga Hernandez by the deed recorded in Clerk's File No. 99-056053
2 of the Brazoria County Official Public Records and being in the
3 southerly right-of-way line of County Road 511;

4 THENCE, North 87°04'39" East, along the northerly line of said
5 14.188 acre tract, common with said southerly right-of-way line, at
6 a distance of 1546.49 feet passing a found 1/2-inch iron rod for the
7 northeast corner of said 14.188 acre tract and continuing for a
8 total distance of 1646.82 feet to a point for corner in the
9 right-of-way of FM 1462;

10 THENCE, South 30°16'03" East, at 54.76 feet passing a found
11 1/2-inch iron rod at the northernmost corner of said 2856.555 acre
12 tract, common with the intersection of the Southerly right-of-way
13 line of said FM 1462 with the westerly right-of-way line of said
14 County Road 511 and then continuing with the easterly line of said
15 2856.555 acre tract, common with the westerly right-of-way line of
16 said County Road 511, for a total distance of 5989.45 feet to a set
17 3/4-inch iron rod (with cap stamped "Jones|Carter property corner")
18 at the beginning of a non-tangent curve to the left;

19 THENCE, departing said common line, over and across said
20 2856.555 acres and along the arc of said non-tangent curve to the
21 left having a radius of 2640.00 feet, a central angle of 66°45'27",
22 an arc length of 3075.96 feet, and a long chord bearing South
23 03°17'15" West, 2904.90 feet to a point for corner;

24 THENCE, South 30°05'28" East, a distance of 23.74 feet to a
25 set 3/4-inch iron rod (with cap stamped "Jones|Carter property
26 corner") in the southeasterly line of said 2856.555 acre tract,
27 common with the northwesterly line of a called 110.21 acre tract of

1 land conveyed to Patrick D. Moller and wife, Suzanne Moller by the
2 deed recorded in Clerk's File No. 96-005947 of the Brazoria County
3 Official Public Records and from which a found 5/8-inch iron rod in
4 the westerly right-of-way line of said County Road 511, bears North
5 59°36'38" East, 955.96 feet;

6 THENCE, South 59°36'38" West, along said common line, a
7 distance of 2575.73 feet to a set 3/4-inch iron rod (with cap
8 stamped "Jones|Carter property corner") at the beginning of a
9 non-tangent curve to the right;

10 THENCE, departing said common line, over and across said
11 2856.555 acres and along the arc of said non-tangent curve to the
12 right having a radius of 5280.00 feet, a central angle of 07°33'42",
13 an arc length of 696.84 feet, and a long chord bearing North
14 48°41'21" West, 696.033 feet to the beginning of a compound curve to
15 the right;

16 THENCE, continuing over and across said 2856.555 acres and
17 along the arc of said compound curve to the right having a radius of
18 5280.00 feet, a central angle of 21°24'05", an arc length of 1972.22
19 feet, and a long chord bearing North 51°53'34" West, 1960.78 feet to
20 a point for corner;

21 THENCE, continuing over and across said 2856.555 acres, the
22 following six (6) bearings and distances;

23 1) North 67°16'53" West, a distance of 1365.55 feet to
24 a point for corner;

25 2) North 68°00'23" West, a distance of 1178.08 feet to
26 a point for corner;

27 3) North 67°37'10" West, a distance of 885.98 feet to a

1 point for corner;

2 4) North 34°22'34" West, a distance of 700.44 feet to a
3 point for corner;

4 5) North 33°50'21" West, a distance of 1651.19 feet to
5 a point for corner;

6 6) North 32°16'42" West, a distance of 473.37 feet to a
7 point for corner;

8 THENCE, North 33°31'32" West, continuing over and across said
9 2856.555 acres and over and across said 98.2535 acres, a distance of
10 2191.74 feet to a set 3/4-inch iron rod (with cap stamped
11 "Jones|Carter property corner") in the northerly line of said
12 2856.555 acres, common with the southerly right-of-way line of said
13 FM 1462;

14 THENCE, North 86°56'14" East, along said common line, at
15 186.72 feet passing a found 1/2-inch iron rod at the northwest
16 corner of said 98.2535 acres, at 1005.62 feet passing a found
17 concrete monument at the northeast corner of said 98.2535 acre
18 tract, then continuing with the northerly line of said 2856.555
19 acres, common with the southerly right-of-way line of said FM 1462,
20 for a total distance of 2296.45 feet to a point for corner;

21 THENCE, North 86°49'41" East, continuing along said common
22 line, a distance of 1353.40 feet to the beginning of a curve to the
23 left;

24 THENCE, continuing along said common line and the arc of said
25 curve to the left having a radius of 1482.69 feet, a central angle
26 of 14°54'54", an arc length of 385.97 feet, and a long chord bearing
27 North 79°22'13" East, 384.88 feet to the westernmost corner of a

1 called 3.37 acre tract of land conveyed to Tommy Nguyen and wife,
2 Kathy Nguyen by the deed recorded in Clerk's File No. 2005005114 of
3 the Brazoria County Official Public Records;

4 THENCE, North 86°52'55" East, along a northerly line of said
5 2856.555 acre tract, common with the southerly line of said 3.37
6 acre tract, a distance of 830.05 feet to the southeast corner of
7 said 3.37 acre tract, common with an interior corner of said
8 2856.555 acre tract;

9 THENCE, North 02°42'05" West, along an interior line of said
10 2856.555 acre tract, common with the easterly line of said 3.37 acre
11 tract, a distance of 388.94 feet to the northernmost corner of said
12 3.37 acre tract also being in the southerly right-of-way line of
13 said FM 1462;

14 THENCE, North 59°47'44" East, along northerly line of said
15 2856.555 acre tract, common with the southerly right-of-way line of
16 said FM 1462, a distance of 1089.08 feet to a point for corner;

17 THENCE, North 02°54'16" West, departing said common line and
18 over and across the right-of-way of said FM 1462, at a distance of
19 111.54 feet passing a found 1/2-inch iron rod at the southwest
20 corner of said 14.188 acre tract, common with the southeast corner
21 of a called 2.311 acre tract of land conveyed to Yu-Ping Goodman by
22 the deed recorded in Clerk's File No. 02-008105 of the Brazoria
23 County Official Public Records, then continuing along the easterly
24 lines of said 2.311 acre and 2.50 acre tracts, common with the
25 westerly line of said 14.188 acre tract, for a total distance of
26 911.10 feet to the POINT OF BEGINNING, OF TRACT ONE CONTAINING
27 1208.2 acres.

1 TRACT 2, 1064.9 ACRES

2 COMMENCING at a found 5/8-inch iron rod at the northwest
3 corner of said 14.188 acre tract, common with the northeast corner
4 of said 2.50 acre tract and being the POINT OF BEGINNING of the
5 above described Tract One.

6 THENCE, South 02°54'16" East, along the westerly line of said
7 14.188 acre tract, common with the easterly lines of said 2.50 acre
8 and 2.311 acre tracts, at 799.56 feet passing a 1/2-inch iron rod
9 found at the southwest corner of said 14.188 acre tract, common with
10 the southeast corner of said 2.311 acre tract, then continuing over
11 and across said right-of-way of FM 1462, a total distance of 911.10
12 feet to a point in the northerly line of said 2856.555 acre tract,
13 common with the southerly right-of-way line of said FM 1462;

14 THENCE, South 59°47'44" West, along said common line, a
15 distance of 1089.08 feet to the northernmost corner of a said 3.37
16 acre tract;

17 THENCE, South 02°42'05" East, departing said common line and
18 along an interior line of said 2856.555 acre tract, common with the
19 easterly line of said 3.37 acre tract, a distance of 388.94 feet to
20 the southeast corner of said 3.37 acre tract, common with an
21 interior corner of said 2856.555 acre tract;

22 THENCE, South 86°52'55" West, along a northerly line of said
23 2856.555 acre tract, common with the southerly line of said 3.37
24 acre tract, a distance of 830.05 feet to the westernmost corner of
25 said 3.37 acre tract, being in the southerly right-of-way line of
26 said FM 1462 at the beginning of a curve to the right;

27 THENCE, along a northerly line of said 2856.555 acre tract,

1 common with the southerly right-of-way line of said FM 1462 and the
2 arc of said curve to the right having a radius of 1482.69 feet, a
3 central angle of 14°54'54", an arc length of 385.97 feet, and a long
4 chord bearing South 79°22'13" West, 384.88 feet to a point for
5 corner;

6 THENCE, South 86°49'41" West, continuing along said common
7 line, a distance of 1353.40 feet to a point for corner;

8 THENCE, South 86°56'14" West, continuing along said southerly
9 right-of-way line, common with the northerly line of said 2856.555
10 acres and the northerly line of said 98.2535 acres, distance of
11 2296.45 feet to a point for corner;

12 THENCE, South 87°01'47" West, continuing along said southerly
13 right-of-way line, common with the northerly line of said 2856.555
14 acres and the northerly line of said 109.232 acres, a distance of
15 1590.81 feet to the northwest corner of said 109.232 acre tract,
16 being in the easterly line of a called 80.74 acre tract of land
17 conveyed to South Associates by the deed recorded in Volume 1420,
18 Page 710 of the Brazoria County Deed Records;

19 THENCE, South 02°27'26" East, departing said common line and
20 along the westerly line of said 109.232 acre tract, common with the
21 easterly line of said 80.74 acre tract, a distance of 2584.43 feet
22 to the southeast corner of said 80.74 acres, common with an interior
23 corner of said 2856.555 acre tract;

24 THENCE, South 86°55'53" West, along the southerly line of said
25 80.74 acres, common with a northerly line of said 2856.555 acres, a
26 distance of 256.28 feet to a set 3/4-inch iron rod (with cap stamped
27 "Jones|Carter property corner") for the POINT OF BEGINNING of the

1 herein described tract;

2 THENCE over and across said 2856.55 and 109.232 acre tracts
3 the following six (6) bearings and distances;

4 1) South 33°07'56" East, a distance of 1574.72 feet to
5 a point for corner;

6 2) South 32°45'11" East, a distance of 1737.40 feet to
7 a point for corner;

8 3) South 34°06'46" East, a distance of 525.85 feet to a
9 point for corner;

10 4) South 37°02'29" East, a distance of 125.27 feet to a
11 point for corner;

12 5) South 33°08'38" East, a distance of 825.02 feet to a
13 point for corner;

14 6) South 67°31'02" East, a distance of 2641.65 feet to
15 a point for corner;

16 THENCE, South 67°38'45" East, continuing over and across said
17 2856.555 acres, a distance of 2391.22 feet to a set 3/4-inch iron
18 rod (with cap stamped "Jones|Carter property corner") in the
19 southeasterly line of said 2856.555 acre tract, common with the
20 northwesterly line of a called 5440.64 acre tract of land conveyed
21 to HRI Development Corporation by the deed recorded in Clerk's File
22 No. 88544-596 of the Brazoria County Official Public Records;

23 THENCE, South 59°36'38" West, along said common line, a
24 distance of 4112.50 feet to a found axel at the most southerly
25 southeast corner of said 2856.555 acres also being an interior
26 corner of said 5440.64 acres;

27 THENCE, South 89°58'50" West, along the southerly line of said

1 2856.555 acre tract, common with a northerly line of said 5440.64
2 acre tract, a distance of 4086.26 feet to an angle point;

3 THENCE, South 87°30'17" West, continuing along said common
4 line, a distance of 2116.63 feet to the southwest corner of said
5 2856.555 acre tract, common with the southeast corner of a called
6 347.07 acre tract of land conveyed to Tehama Communities, LLP by the
7 deed recorded in Clerk's File No. 2005072012 of the Brazoria County
8 Official Public Records;

9 THENCE, North 03°17'11" West, along a westerly line of said
10 2856.555 acre tract, common with the easterly line of said 347.07
11 acre tract, a distance of 5281.54 feet to the northeast corner of
12 said 347.07 acre tract, being in the southerly line of a called 50
13 acre tract of land conveyed to Willie Alton, et al by the deed
14 recorded in Volume 928, Page 141 of the Brazoria County Deed
15 Records;

16 THENCE, North 87°07'20" East, along an interior line of said
17 2856.555 acre tract, common with the southerly line of said 50 acre
18 tract, a distance of 486.77 feet to the southeast corner of said 50
19 acre tract, common with an interior corner of said 2856.555 acre
20 tract;

21 THENCE, North 02°42'52" West, along a westerly line of said
22 2856.555 acre tract, common with the easterly lines of said 50 acre
23 tract, a called 40.13 acre tract of land conveyed to Krystal G.
24 Hodge by the deed recorded in Clerk's File No. 2014019841 of the
25 Brazoria County Official Public Records and a called 42.122 acre
26 tract of land conveyed to Bjorn F. Lindgren and wife, Beverly L.
27 Lindgren by the deed recorded in Clerk's File No. 2004063194 of the

1 Brazoria County Official Public Records, a distance of 2675.71
2 feet to the most westerly northwest corner of said 2856.55 acre
3 tract, common with the southeast corner of a called 80.74 acre tract
4 (Tract 2) of land conveyed to South Associates by the deed recorded
5 in Volume 1420, Page 710 of the Brazoria County Deed Records;

6 THENCE, North 86°55'53" East, along a northerly line of said
7 2856.555 acre tract, common with the southerly lines of said 80.74
8 acre tracts (Tract I and 2), a distance of 2420.68 feet to the POINT
9 OF BEGINNING OF TRACT TWO, CONTAINING 1064.9 acres and together
10 with the above described tract one containing a total of 2273.1
11 acres of land in Brazoria County, Texas.

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

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

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

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

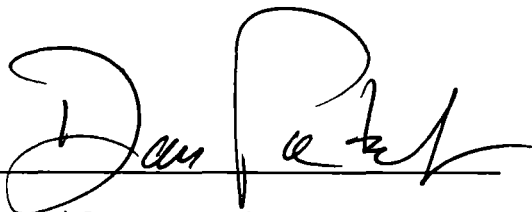
1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 4. (a) If this Act does not receive a two-thirds
4 vote of all the members elected to each house, Subchapter C, Chapter
5 7964, Special District Local Laws Code, as added by Section 1 of
6 this Act, is amended by adding Section 7964.108 to read as follows:

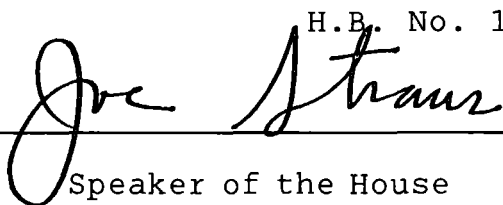
7 Sec. 7964.108. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

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

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.

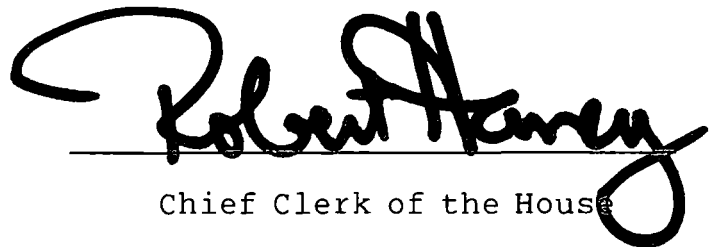


President of the Senate

H.B. No. 1963


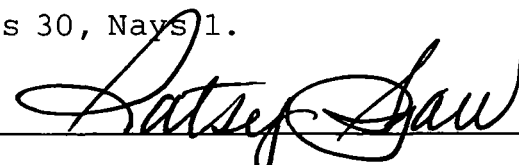
Speaker of the House

I certify that H.B. No. 1963 was passed by the House on April 27, 2017, by the following vote: Yeas 141, Nays 3, 3 present, not voting.



Chief Clerk of the House

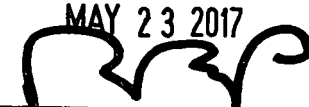
I certify that H.B. No. 1963 was passed by the Senate on May 11, 2017, by the following vote: Yeas 30, Nays 1.



Secretary of the Senate

APPROVED: _____
Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:12 O'CLOCK
MAY 23 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 6, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1963 by Thompson, Ed (Relating to the creation of the Brazoria County Municipal Utility District No. 70; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the Brazoria County Municipal Utility District No. 70. The district would have authority for road projects. The district may issue without an election the bonds and other obligations secured by revenue other than ad valorem taxes, or contract payments secured by contract taxes. The district may impose an operation and maintenance tax and a contract tax. The district may not exercise the power of eminent domain.

The bill would take effect immediately if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KK, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1963 by Thompson, Ed (Relating to the creation of the Brazoria County Municipal Utility District No. 70; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the Brazoria County Municipal Utility District No. 70. The district would have authority for road projects. The district may issue without an election the bonds and other obligations secured by revenue other than ad valorem taxes, or contract payments secured by contract taxes. The district may impose an operation and maintenance tax and a contract tax. The district may not exercise the power of eminent domain.

The bill would take effect immediately if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

WATER DEVELOPMENT POLICY IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 4, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1963 by Thompson, Ed (Relating to the creation of the Brazoria County Municipal Utility District No. 70; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Brazoria County Municipal Utility District No. 70 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Population -The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in HB 1963, staff is unable to determine a population estimate.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Brazoria County served by small systems or private wells (County-Other) is 85,152. The Brazoria County-Other population projections approved for the 2017 State Water Plan projects the population to grow to 109,994 in 2020, 142,514 in 2030 and 173,919 in 2040.

Location - The Proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Brazoria County Real Property Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 3.55 square miles in central Brazoria County, located southwest of the City of Alvin along FM Road 1462. The proposed district does not appear to lie within any exiting Certificate of Convenience and Necessity (CCN) boundary.

Comments on Powers/Duties Different from Similar Types of Districts: The bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; this bill grants the District the powers and duties of a levee improvement district under Water Code Chapter 57; this bill grants the District authority for road projects; the bill allows the District to divide and specifies requirements for division; the District may be divided only if the District has no outstanding bonded debt and is not imposing ad valorem taxes; the bill further specifies that on or before the

30th day after the date of adoption of an order dividing the District, the District shall file the order with the TCEQ; the bill specifies that 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 real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Water Use - HB 1963 specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution".

Within Brazoria County, 24 percent of the total water use was groundwater (Gulf Coast Aquifer) in 2014. Eighty one percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: UP, SZ

Bryan W Shaw, Ph D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2017

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 1963, as Filed by Representative Ed Thompson - Relating to the creation of the Brazoria County Municipal Utility District No. 70; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Jim Murphy, Chairman, House Special Purpose Districts Committee
Representative Ed Thompson, Texas House of Representatives

Enclosure

**HB 1963, as Filed by Representative Ed Thompson
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill amends the Special District Local Laws Code by adding Chapter 7964 which creates Brazoria County Municipal Utility District No. 70 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54, with the following exceptions.

Comments on Powers/Duties Different from Similar Types of Districts: The bill also: requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; this bill grants the District the powers and duties of a levee improvement district under Water Code Chapter 57; this bill grants the District authority for road projects; the bill allows the District to divide and specifies requirements for division. The District may be divided only if the District has no outstanding bonded debt and is not imposing ad valorem taxes. The bill further specifies that on or before the 30th day after the date of adoption of an order dividing the District, the District shall file the order with the TCEQ; the bill specifies that 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 real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

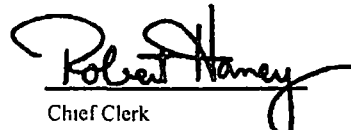
HB 1963
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/24/2017

Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.


March 3, 2017

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality



AFFP
MUD 70

Affidavit of Publication

STATE OF TEXAS)
COUNTY OF BRAZORIA) SS

Notice of Intention to Introduce a Bill
in the Legislature of Texas
Notice is hereby given of the intention to introduce in the Regular Session of the
85th Legislature of Texas a bill creating and establishing a special district consisting
of approximately 2,273 acres and located within the following surveys: H T & B R R
Company Survey, Abstract Nos. 251 and 254; A A Talmage Survey, Abstract Nos.
553 and 554; and the James L. Holmes Heirs Survey, Abstract No. 610, and partially
within the extraterritorial jurisdiction of the City of Alvin, Brazoria County, Texas, to
be known as Brazoria County Municipal Utility District No. 70, under the provisions
of Article 16, Section 59 of the Constitution of Texas and pursuant to the inherent
power of the Legislature to create special government agencies and districts, with
powers including those given to municipal utility districts operating pursuant to
Chapters 49 and 54, Texas Water Code, and including road powers under Article III,
Section 52 of the Constitution of Texas. The bill will provide for the district's
administration, powers, name, duties, operation, and financing. If you would like a
copy of the full legal description of the property to be included in the district, please
call Julie Kime at (713) 623-4531.


Cindy Comette, being duly sworn, says:

That she is Advertising Director of the The Facts, a daily newspaper of general circulation in Brazoria County, printed and published in Clute, Brazoria County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

December 28, 2016

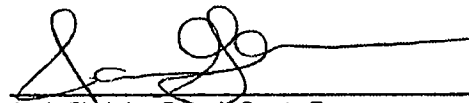
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Advertising Director

Subscribed to and sworn to me this 28th day of December, 2016.

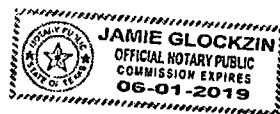


Jamie Glockzin, Brazoria County, Texas

My commission expires: June 01, 2019

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Schwartz, Page & Harding, LLP
1300 Post Oak Blvd, Ste 1400
HOUSTON, TX 77056



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Great selection of books available at The Facts

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