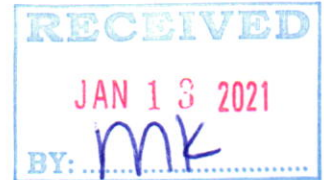


COATS | ROSE

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January 12, 2021

The Honorable Carbett "Trey" J. Duhon, III
Waller County Judge
Members of Commissioners Court
836 Austin Street, Suite 203
Hempstead, Texas 77445

Via Federal Express

Re: Legislation Creating Waller County Municipal Utility District No.40

Dear Judge Duhon and members of Commissioners Court:

Enclosed please find a copy of legislation, proposing to create Waller County Municipal Utility District No. 40 (the "District"). The proposed District is located within the extraterritorial jurisdiction of Houston, Texas.

By this correspondence, we formally give you notice of our intent to offer the referenced legislation in the form of a bill to be filed in the presently pending 87th Legislature of the State of Texas. Please feel free to contact the undersigned should you have any questions or comments.

Very truly yours,

Natalie B. Scott

NBS:mp
Enclosure

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NOTICE OF INTENT TO INTRODUCE A BILL

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 87th Legislature of the State of Texas at its regular session in Austin, Texas for the introduction of a bill, the substance of the contemplated law being as follows:

An act relating to the creation, administration powers, duties, operation, and financing of Waller County Municipal Utility District No. 40.

The Act proposes to create a special district to be known as Waller County Municipal Utility District No. 40, being approximately 387.77 acres of land in Waller County, Texas, more particularly described as follows:

The property is comprised of a tract totaling 387.77 acres of land in Waller County, Texas. The property is located: west of and adjacent to FM 362; north of and adjacent to Cameron Rd; and east of and adjacent to Flukinger Road.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.

____.B. No. ____

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose 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 _____ to read as follows:

CHAPTER . WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

SUBCHAPTER A. GENERAL PROVISIONS

Sec. .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 Waller County Municipal Utility District No. 40.

Sec. .002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI,

Texas Constitution.

Sec. .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. .004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section .003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. .005. 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, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. .006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. .051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7990.052, directors serve staggered four-year terms.

Sec. .052. TEMPORARY DIRECTORS. (a) After the effective date of this legislation, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under
Section .003; or

(2) September 1, 2023.

(c) If permanent directors have not been elected under
Section .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 .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 commission 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. .101. GENERAL POWERS AND DUTIES. The district has
the powers and duties necessary to accomplish the purposes for
which the district is created.

Sec. .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. .103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. .104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and

specifications of the road project.

d) As long as the district is located outside the corporate limits of the City, the district shall maintain the roads constructed by it.

Sec. .105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. .106. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

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

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value

of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7990.003 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

(3) appoint temporary directors for each new district;

and

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

(g) 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 Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section .003. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the

original district.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section .004 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. .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 .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. .152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section .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. .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.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. .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. .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. .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. Waller County Municipal Utility District No. 40 initially includes all the territory contained in the following area:

A METES & BOUNDS description of a certain 387.77 acre tract situated in the Nathan W. Bush Survey, Abstract No. 76 and B.B.B. & C.R.R. Co. Survey, Abstract No. 93 in Waller County, Texas being the remainder of a called 590.4 acre tract (remainder tract) conveyed by Special Warranty Deed to Sorsby Family Farm, LP in Volume 895, Page 208 of the Deed Records of Waller County and all of a called 1 acre tract conveyed by Deed to J.B. Sorsby, Jr. recorded in Volume 202, Page 245 of the Deed Records of Waller County; said 387.77 acre tract being more particularly described as follows with all bearings based on the Texas Coordinate System of 1983, South Central Zone (4204);

BEGINNING at a set 5/8-inch iron rod (with cap stamped "Jones|Carter") marking the southeast corner of the herein described subject tract, being common with the southeast corner of said remainder tract and in the intersection of the west right-of-way line of F.M. Highway 362 (called 80-Foot Wide, State Project

No. R-523-2-3, Volume 117, Page 262 Deed Records of Waller County) and the occupied north right-of-way line of Cameron Road (Unknown Width);

THENCE South 87°22'02" West, along the common line of said remainder tract and said occupied north right-of-way line of Cameron Road, 8850.80 feet to a set 5/8-inch iron rod (with cap stamped "Jones|Carter") marking the southwest corner of the herein described subject tract, being common with the southwest corner of said remainder tract and in the intersection of said occupied north right-of-way line of Cameron Road and the occupied east right-of-way line of Flukinger Road (unknown width);

THENCE North 02°17'06" West, along the common line of said remainder tract and said occupied east right-of-way line of Flukinger Road, 1055.93 feet to a found 8-inch corner fence post marking a northwest corner of the herein described subject tract, being common with a northwest corner of said remainder tract, the southwest corner of a called 110.00 acre tract conveyed to Prairie View A&M University (Waller County Central Appraisal District, no deed of record found);

THENCE along the common line of said remainder tract and said 110.00 acre tract, the following two (2) courses and distances:

1. North 87°09'53" East, 1849.82 feet to a found 1/2-inch iron pipe;
2. North 07°12'03" East, 1192.07 feet to a found 6-inch cedar fence post marking a northwest corner of the herein described subject tract, being common with the northwest corner of said remainder tract, the southwest corner of the remainder of a called 100 acre tract conveyed by Deed of Gift to Alice Sorsby McGuffie in Volume 1037, Page 285 Official Public Records of Waller County and Deed of Gift to William Bascom Sorsby recorded in Volume 1037, Page 289 of the Official Public Records of Waller County and in the east line of said 110.00 acre tract;

THENCE North 86°27'47" East, along the common line of said remainder tract and said remainder of a 100 acre tract, passing at 5137.90 feet, 0.28 feet to the right a found 3/8-inch iron rod, continuing in all a total distance of 5970.18 feet to a point-for-corner marking the northeast corner of the herein described subject tract, being common with the northeast corner of said remainder tract, the southeast corner of a called 7.399 acre tract conveyed

by Partition Deed to Alice Sorsby McGuffie recorded in Volume 334, Page 585 of the Deed Public Records of Waller County and in aforementioned west right-of-way line of F.M. Highway 362 and from which a found 3/8-inch iron rod bears North 70°16'07" East, 0.87 feet;

THENCE along the common line of said remainder tract and said west right-of-way line of F.M. Highway 362, the following two (2) courses and distances:

1. South 22°03'23" East, 1956.50 feet to a set 5/8-inch iron rod (with cap stamped "Jones|Carter");
2. South 22°00'23" East, 515.24 feet to the **POINT OF BEGINNING, CONTAINING** 387.77 acres of land in Waller County, Texas as shown on Dwg No. 15061 filed in the offices of Jones|Carter in College Station, Texas.

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. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7990, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7990.107 to read as follows:

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

SECTION 5. This Act takes effect September 1, 2021.