

# COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT  
DIRECTOR

NSCOTT@COATSROSE.COM  
DIRECT: (512) 541-3846  
FAX: (512) 469-9408

January 22, 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.9A

Dear Judge Duhon and members of Commissioners Court:

Enclosed please find a copy of legislation, proposing to create Waller County Municipal Utility District No. 9A (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 87<sup>th</sup> 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

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746  
PHONE: (512) 469-7987 FAX: (512) 469-9408  
WEB: [www.coatsrose.com](http://www.coatsrose.com)

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI  
000001.000033\4830-4096-5592.v1

## **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. 9A.

The Act proposes to create a special district to be known as Waller County Municipal Utility District No. 9A, being approximately 321.8 acres of land in Waller County, Texas, more particularly described as follows:

The property is comprised of one tract(s) totaling 321.8 acres of land in Waller County, Texas. The property is located: south of and adjacent to Farm-to-Market Road 529; east of and adjacent to Farm-to-Market Road 2855; bisected by Beckendorff Road; north of and adjacent to Stockdick Road; and west of and adjacent to the subdivision known as Freeman Ranch.

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. 9A; 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. 9A

SUBCHAPTER A. GENERAL PROVISIONS

Sec. .001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "City" means the City of Houston, Texas.
- (3) "Commission" means the Texas Commission on Environmental Quality.
- (4) "Director" means a board member.
- (5) "District" means the Waller County Municipal Utility District No. 9A.

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) The temporary directors are as follows:

1. Sharon Wotyek
2. Blake Allen
3. Jud Martin
4. Salman Qadir
5. Sawyer Blackburn

(b) Temporary directors serve until the earlier of:

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

(2) September 1, 2025.

(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.

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

(1) a road project authorized by Section .103;

or

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

Sec. .107. 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.

(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. 9A initially includes all the territory contained in the following area:

A 602.8 acre tract of land out of the remainder of a called 562.636 acre tract of land as conveyed to KATY 884 PARTNERS, LTD, a Texas limited partnership, as recorded in Volume 1077, Page 592 of the Official Public Records of Waller County, Texas (WCOPR), all of a called 106.590 acre tract of land conveyed to Katy Partners, Ltd. as recorded in Volume 1077, Page 685 Deed Records of Waller County, Texas (WCDR), all of a called 107.332 acre tract of land conveyed to Katy Partners, Ltd. as recorded in Volume 1077, Page 675 (WCDR) and all of a called 107.257 acre tract of land conveyed to Katy

884 Partners, Ltd. as recorded in Volume 1077, Page 608 (WCDR) being out of the H. & T.C. Railroad Company Survey, Section 114 and the Fred Eule Survey, Abstract 374, Waller County, Texas, SAVE AND EXCEPT 281.000 acre tract of land conveyed to LGI Homes-Texas, LLC, as recorded in Clerk's File No. 201607707 in the Official Public Records of Waller County, Texas (WCOPR). Said 602.8 acre tract being more fully described as follows, all bearings are based on the Texas Coordinate System, South Central Zone (4204), NAD-83 (NA2011), epoch 2010.00;

BEGINNING: at a point for the southwest corner of said 562.636 acre tract, the northwest corner of a called 0.9738 acre tract as recorded in Volume 686, Page 15 (WCDR), lying in the east right-of-way line of F.M. 2855 (100 feet wide), in the south line of said Fred Eule Survey, Sect. 114, A-374 and the north line of said and the H.&T.C. R.R. Co. Survey Sect. 111, A- 172, also being the most westerly southwest corner of the herein described tract and lying in the apparent centerline of Beckendorf Road (unimproved);

THENCE: Along and with the east right-of-way line of said F.M. 2855 and the west line of said 562.636 acre tract the following courses and distances

N 02°05'14" W, 1507.94 feet to a point for a corner of the herein described tract,  
N 01°14'00" W, 331.24 feet to a point for a corner of the herein described tract,  
N 00°21'18" W, 213.88 feet to a point for a corner of the herein described tract,  
N 00°41'06" W, 348.01 feet to a point for a corner of the herein described tract,  
N 02°19'58" W, 251.32 feet to a point for a corner of the herein described tract,  
N 02°49'49" W, 451.99 feet to a point for a corner of the herein described. tract,  
N 04°12'15" W, 104.06 feet to a point for a corner of the herein described tract,  
N 03°27'47" W, 447.87 feet to a point for a corner of the herein described tract, and  
N 02°05'26" W, 384.85 feet to a point for the southwest corner of a called 8.603 acre tract as recorded in Volume 1297, Page 036 (WCDR).;

THENCE: N 87°41'05" E, 436.33 feet with the south line of said 8.603 acre tract to a point for the southeast corner of

said 8.603 acre tract and an interior corner of said 562.636 acre tract;

THENCE: N 01°58'03" W, 1177.95 feet with the east line of said 8.603 acre tract and the east line of a called 3.173 acre tract as recorded in Volume 432, Page 449 (WCDR) to a point for the northeast corner of said 11.76 acre tract and the common most northwesterly corner of said 562.636 and the herein described tract, also lying in the south right-of-way line of F.M. 529 (120 feet wide);

THENCE: N 87°58'20" E, 469.07 feet with the north line of said 562.636 acre tract and the south right-of-way line of said F.M. 529 to a point for the northwest corner of a called 20.000 acre tract as recorded in Volume 1376, Page 621 (WCDR);

THENCE: S 02°00'04" E, 1181.11 feet with the west line of said 20.000 acre tract to a point for the southwest corner of said 20.000 acre tract and an interior corner of the herein described tract;

THENCE: N 88°00'32" E, 1922.94 feet with the south line of said 20.000 acre tract, a called 7.408 acre tract as recorded in Volume 1289, Page 482 (WCDR), a called 13.695 acre tract as recorded in Volume 1339, Page 144 (WCDR) and a second called 13.695 acre tract as recorded in Volume 1175, Page 621 (WCDR) to a point for the southeast corner of the second mentioned 13.695 acre tract and an interior corner of the herein described tract;

THENCE: N 02°00'04" W, 1181.11 feet with the east line of the second mentioned 13.695 acre tract to a point for the northeast corner of the second mentioned 13.695 acre tract and lying in the south right-of-way line of said F.M. 529;

THENCE: N 88°02'40" E, 644.29 feet with the north line of said 562.636 acre tract and the south right-of-way line of said F.M. 529 to a point for the northeast corner of said 281.000 acre tract the herein described tract;

THENCE: Departing the north line of said 562.636 acre tract, continuing over and across said 562.636 acre tract and with the west line of said 281.000 acre tract the following courses and distances:

S 02°19'51" E, a distance of 1099.87 feet to a point for a corner of the herein described tract,

S 67°22'45" W, a distance of 1167.03 feet to a point for a corner of the herein described tract,

S 25°17'57" W, a distance of 161.34 feet to a point for a corner of the herein described tract,

Southeasterly, along a non-tangent curve to the left, having a radial bearing of N 75°26'06" E, a radius of 1273.29 feet, a central angle of 38°29'17", a chord bearing and distance of S 33°48'33" E, 839.33 feet, for an arc length of 855.32 feet to a point for a corner of the herein described tract,

S 85°46'10" E, a distance of 209.23 feet to a point for a corner of the herein described tract,

Southwesterly, along a non-tangent curve to the right, having a radial bearing of S 02°25'32" W, a radius of 1866.67 feet, a central angle of 12°00'46", a chord bearing and distance of S 81°34'05" E, 390.65 feet, for an arc length of 391.37 feet to a point for a corner of the herein described tract,

Southeasterly, along a non-tangent curve to the right, having a radial bearing of S 09°26'17" W, a radius of 171.22 feet, a central angle of 81°46'47", a chord bearing and distance of S 39°40'20" E, 224.16 feet, for an arc length of 244.38 feet to a point for a corner of the herein described tract,

Southwesterly, along a non-tangent curve to the right, having a radial bearing of N 71°06'56" W, a radius of 1248.15 feet, a central angle of 08°16'54", a chord bearing and distance of S 23°01'31" W, 180.25 feet, for an arc length of 180.41 feet to a point for a corner of the herein described tract,

S 27°41'57" W, a distance of 18.52 feet to a point for a corner of the herein described tract,



N 74°41'04" W, a distance of 178.23 feet to a point for a corner of the herein described tract,

Southwesterly, along a non-tangent curve to the left, having a radial bearing of S 02°44'14" W, a radius of 475.36 feet, a central angle of 87°28'46", a chord bearing and distance of S 48°59'51" W, 657.32 feet, for an arc length of 725.79 feet to a point for a corner of the herein described tract,

S 09°42'55" E, a distance of 127.14 feet to a point for a corner of the herein described tract,

S 27°06'38" E, a distance of 103.76 feet to a point for a corner of the herein described tract,

S 27°06'38" E, a distance of 294.99 feet to a point for a corner of the herein described tract,

Southwesterly, along a non-tangent curve to the left, having a radial bearing of S 25°17'37" E, a radius of 180.90 feet, a central angle of 50°20'55", a chord bearing and distance of S 39°31'56" W, 153.90 feet, for an arc length of 158.97 feet to a point for a corner of the herein described tract,

Southwesterly, along a non-tangent curve to the right, having a radial bearing of N 88°45'38" W, a radius of 987.16 feet, a central angle of 43°57'41", a chord bearing and distance of S 23°13'12" W, 738.98 feet, for an arc length of 757.42 feet to a point for a corner of the herein described tract,

Southeasterly, along a non-tangent curve to the left, having a radial bearing of S 48°49'56" E, a radius of 279.11 feet, a central angle of 65°31'49", a chord bearing and distance of S 08°24'09" W, 302.11 feet, for an arc length of 319.22 feet to a point for a corner of the herein described tract,

Southeasterly, along a non-tangent curve to the right, having a radial bearing of S 41°43'04" W, a radius of 853.94 feet, a central angle of 36°36'07", a chord bearing and distance of S 29°58'53" E, 536.29 feet, for an arc length of 545.52 feet to a point in the south



line of said 562.636 acre tract, the southwest corner of said 281.000 acre tract, and being in the apparent centerline of Beckendorf road;

THENCE: N 88°04'32" E, along and with the south line of said 281.000 acre tract, the apparent centerline of said Beckendorf Road, also being the north line of a aforementioned 106.590 acre tract, 107.332 acre tract, and 107.257 acre tract, a distance of 2562.57 feet to the southeast corner of said 281.00 acre tract, the north east corner of said 107.332 acre tract, the southwest corner of a called 160 acre tract recorded in Volume 995, Page 461 (WCDR), and being the northwest corner of a called 15.022 acre tract recorded in Clerk's File No. 903180 (WCOPR);

THENCE: S 02°04'54" E, 5271.15 feet with the common east line of said 107.257 acre tract and said H.&T.C. R.R. Co. Survey, Sect. 111, A-172, the west line of said Fred Eule Survey, Section 120, Abstract No. 375 to a point for the southwest corner of a called 53.83 acre tract as recorded in Volume 474, Page 314 W.C.D.R., lying in the south line of said Fred Eule Survey, Sect. 120, A-375, lying in the common north line of the H.&T.C. R.R. Co. Survey, Sect. 121, A-201 and a called 281.50 acre tract as recorded in Volume 420, Page 766 W.C.D.R., also being the common southeast corner of said H.&T.C. R.R. Co. Survey, Sect. 111, A-172 and the herein described tract;

THENCE: S 87°53'18" W, 2655.75 feet with the south line of said H.&T.C. R.R. Co. Survey, Sect. 111, A-172, said 107.257 acre tract, said 107.332 acre tract, said 106.590 acre tract, the north line of said H.&T.C. R.R. Co. Survey, Sec. 121, A-201 and the Fred Eule Survey, Sect. 112, A-373 to a point for the southeast corner of a called 5.0 acre tract as recorded in Volume 1207, Page 7777 (WCDR), the southwest corner of said 106.590 acre tract and the most southerly southwest corner of the herein described tract;

THENCE: N 02°00'01" W, 5279.82 feet with the west line of said 106.590 acre tract to a point for the northeast corner of a called 15 acre tract as recorded in Clerk's File No. 1700296 (WCOPR), the northwest corner of said 106.590 acre tract and lying in the north line of said

H.&T.C. R.R. Co. Survey, Sec. 111, A-172 and the common south line of said Fred Eule Survey, Sect. 114, A- 374 and said 562.636 acre tract also being the apparent centerline of said Beckendorf Road;

THENCE: S 87°59'11" W, 2591.53 feet with the common south line of said Fred Eule Survey, Sect. 114, A-374 and said 562.636 acre tract, the north line of said H.&T.C. R.R. Co. Survey, Sect. 111, A- 172 and the apparent centerline of said Beckendorf Road to the POINT OF BEGINNING and containing 602.8 acres in Waller County, 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 \_\_\_\_\_, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section \_\_\_\_\_.108 to read as follows:

Sec. \_\_\_\_\_.108. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(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 immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.