

RECEIVED  
COMMISSIONER'S COURT  
2019 MAR 14 PM 12:45

2728 N. Harwood Street  
Suite 500  
Dallas, Texas 75201

214.745.5400 OFFICE  
214.745.5390 FAX  
winstead.com

Ross S. Martin  
direct dial: 214.745.5353  
rmartin@winstead.com

March 11, 2019

**VIA CERTIFIED MAIL –  
RETURN RECEIPT REQUESTED**

Collin County Commissioners Court  
Collin County Administrative Building  
2300 Bloomdale Road  
Suite 4192  
McKinney, Texas 75071

Re: Enclosed Legislative Matter

Dear Sir or Madam:

Enclosed please find proposed legislation related to the Walker Farms Municipal Utility District, which is located within Collin County, Texas.

Should you have any questions, please contact attorney Ross S. Martin at [rmartin@winstead.com](mailto:rmartin@winstead.com) or (214) 745-5353.

Best regards,



Amy Bieber, Paralegal

Enclosure

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Walker Farms Municipal Utility District; 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 \_\_\_\_\_ to read as follows:

CHAPTER . WALKER FARMS MUNICIPAL UTILITY DISTRICT

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 Walker Farms Municipal Utility District .

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 .052, directors serve staggered four-year terms.

Sec. .052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) \_\_\_\_\_ ;
- (2) \_\_\_\_\_ ;
- (3) \_\_\_\_\_ ;
- (4) \_\_\_\_\_ ; and
- (5) \_\_\_\_\_ .

(a) On or after the effective date of the Act enacting this chapter, 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) the fourth anniversary of the effective date of the Act enacting this chapter.

(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.

#### 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. The Walker Farms Municipal Utility District initially includes all the territory contained in the following area:

TRACT 1

SITUATED in the State of Texas, County of Collin, being part



of the Thomas A. Rhodes Survey, Abstract No. 741, and Rufus Sewall Survey, Abstract No. 873, being part of the land recorded in Vol. 6068, Pg. 3232, of the Deed Records of Collin County, said premises being more particularly described as follows:

BEGINNING at a capped iron rod set in County Road No. 409 marking the northwest corner of said premises;

THENCE with the north line of said premises, South 89°18'32" East, passing a ½" iron rod found at 30.46 feet and continuing in all 602.56 feet to a capped iron rod set marking a point for corner on the north line of said premises;

THENCE with the north line of said premises, South 89°26'57" East, 1155.37 feet to a ½" iron rod found marking a point for corner on the north line of said premises;

THENCE with the north line of said premises, South 89°07'15" East, 1211.75 feet to a ½" iron rod found marking a point for corner of said premises;

THENCE with the east line of said premises, South 01°01'05" West, 875.35 feet to a ½" iron rod found marking an interior corner of said premises;

THENCE with the north line of said premises, South 89°01'27" East, 1751.12 feet to a capped iron rod set found marking a point for corner on the north line of said premises;

THENCE with the north line of said premises, South 89°19'43" East, 997.20 feet to a ½" iron rod found marking a point for corner of said premises;

THENCE with the east line of said premises, South 00°17'39" West, 236.82 feet to a capped iron rod set for marking a point for corner on the east line of said premises;

THENCE with the east line of said premises, South 00°47'53" West, 285.45 feet to a ½" iron rod found marking a point for corner on the east line of said premises;

THENCE with the east line of said premises, South 00°52'39" West, 318.53 feet to a ½" iron rod found marking a point for corner on the east line of said premises;

THENCE with the east line of said premises, South 00°48'43" West, 1809.39 feet to a ½" iron rod found marking an internal corner of said premises;

THENCE with the north line of said premises, South 87°53'30" East, 1585.49 feet to a capped iron rod found on the north right of way line of F.M. Highway No. 1827, marking the most easterly corner of said premises and the beginning of a curve to the right;

THENCE with the south line of said premises and said right of way the following calls:

With said curve having radius of 671.20 feet and a chord bearing South 62°15'34" West, 111.01 feet and an arc length of 111.14 feet to a capped iron rod set;

South 68°01'50" West, 811.99 feet to a concrete right of way marker and the beginning of a curve to the right;

With said curve having radius of 671.91 feet and a chord bearing South 87°47'30" West, 467.97 feet and an arc length of

477.98 feet to capped iron rod set;

North  $71^{\circ}07'17''$  West, 1251.60 feet to a capped iron rod set and the beginning of a curve to the left;

With said curve having radius of 761.20 feet and a chord bearing North  $80^{\circ}08'40''$  West, 225.49 feet and an arc length of 226.32 feet to a capped iron rod set;

North  $88^{\circ}23'18''$  West, 2036.68 feet to a railroad rail section marking the most southerly southwest corner of said premises;

TRACT 2

SITUATED in the State of Texas, County of Collin, being part of the Rufus Sewall Survey, Abstract No. 873, being part of the land recorded in Vol. 6068, Pg. 3232, of the Deed Records of Collin County, said premises being more particularly described as follows:

BEGINNING at a capped iron rod set on the west right of line of F.M. Highway No. 75 marking the southeast corner of said premises;

THENCE departing said right of way and with the south line of said premises, North  $89^{\circ}19'21''$  West, 2258.21 feet to a capped iron rod set marking a point for corner of said premises;

THENCE with the east line of said premises, North  $01^{\circ}27'01''$  East, 114.70 feet to a capped iron rod found marking an interior corner of said premises;

THENCE with the south line of said premises, North  $89^{\circ}05'04''$  West, 835.49 feet to a capped iron rod found marking the southwest corner of said premises;

THENCE with the west line of said premises, North  $00^{\circ}22'27''$  East, 2620.55 feet to a  $\frac{1}{2}$ " iron rod found on the south right of way of F.M. Highway No. 1827 marking the northwest corner of said premises;

THENCE with the north line of said premises and said right of way the following calls:

South  $88^{\circ}24'46''$  East, 170.49 feet to a capped iron rod set and the beginning of a curve to the right;

With said curve having radius of 671.20 feet and a chord bearing South  $80^{\circ}08'40''$  East, 198.83 feet and an arc length of 199.56 feet to a capped iron rod set;

South  $71^{\circ}07'17''$  East, 1251.92 feet to a capped iron rod set and the beginning of a curve to the left;

With said curve having a radius of 761.87 feet and a chord bearing North  $87^{\circ}49'40''$  East, 529.74 feet and an arc length of 541.03 feet to concrete right of way monument;

North  $68^{\circ}01'50''$  East, 811.99 feet to a capped iron rod set and the beginning of a curve to the left;

With said curve having a radius of 760.70 feet and a chord bearing North  $57^{\circ}59'15''$  East, 241.83 feet and an arc length of 242.86 feet to a concrete monument found;

South  $87^{\circ}53'30''$  East, 36.30 feet to a capped iron rod set marking the most northerly northeast corner of said premises;

THENCE departing said right of way with the east line of said premises, South  $01^{\circ}36'20''$  East, 75.00 feet to a capped iron rod set

marking an internal corner of said premises;

THENCE with the north line of said premises, North  $87^{\circ}38'36''$  West, 75.00 feet to a capped iron rod set on the west right of way line of F.M. Highway No. 75 marking the most easterly northeast corner of said premises;

THENCE with the east line of said premises and right of way the following calls:

South  $01^{\circ}36'20''$  West, 1462.44 feet to a wooden right of way monument;

South  $01^{\circ}29'16''$  West, 949.65 feet to a wooden right of way monument;

South  $01^{\circ}38'16''$  West, 292.80 feet to the point of beginning and containing 177.84 acres of land.

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 \_\_\_\_\_.106 to read as follows:

Sec. \_\_\_\_\_.106. 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, 2019.