

**SUBCHAPTER P: ACQUISITION OF ROAD UTILITY DISTRICT POWERS BY A
MUNICIPAL UTILITY DISTRICT
§293.201, §293.202
Effective July 31, 2008**

§§293.201. District Acquisition of Road Powers.

(a) Texas Water Code (TWC), §54.234, authorizes a municipal utility district, or any petitioner seeking the creation of a municipal utility district, to petition the commission to acquire road powers for eligible roads under TWC, §54.234(b), and any improvement in aid of the roads, which are to be conveyed to this state, a county, or municipality for operation and maintenance.

(b) This section and §293.202 of this title (relating to Application Requirements for Commission Approval) provide the requirements for petitioning the commission for road powers.

Adopted July 9, 2008

Effective July 31, 2008

§293.202. Application Requirements for Commission Approval.

(a) A conservation and reclamation district, operating under Texas Water Code (TWC), Chapter 54, may submit to the executive director of the commission an application for road powers, which shall include the following documents:

- (1) a petition that will include a detailed narrative statement of the reasons for requesting road powers and the reasons why such powers will be of benefit to the district and to the land that is included in the district, signed by an authorized member of the board of directors of the district;
- (2) a certified copy of the resolution of the governing board of the district authorizing the district to petition the commission for road powers;
- (3) a certification that the district is operating under TWC, Chapter 54, with proper statutory references;
- (4) evidence that the municipality in whose corporate limits or extraterritorial jurisdiction that any part of the district is located has consented to the creation of the district with road powers or has consented to the district having road powers subsequent to creation, or that the provisions of TWC, §54.016, have been followed;
- (5) a certified copy of the latest audit of the district performed under TWC, §§49.191 - 49.194;
- (6) for districts that have not submitted an annual audit, a financial statement of the district, including a detailed itemization of all assets and liabilities showing all balances in effect not later than 30 days before the date that the district submits its request for approval with the executive director;

(7) a preliminary layout showing the proposed location for all road facilities to be constructed, acquired, or improved by the district;

(8) a cost analysis and detailed cost estimate of the proposed road facilities to be constructed, acquired, or improved by the district with a statement of the amount of bonds estimated to be necessary to finance the proposed construction, acquisition, and improvement;

(9) a narrative statement that will analyze the effect of the proposed facilities upon the district's financial condition and will demonstrate that the proposed construction, acquisition, and improvement is financially and economically feasible for the district;

(10) any other information that may be required by the executive director; and

(11) a filing fee in the amount of \$100 .

(b) A petition for creation of a district submitted under §293.11(a) and (d) of this title (relating to Information Required to Accompany Applications for Creation of Districts) may also include a request for road powers, with information required under subsection (a)(4), and (7) - (9) of this section, to also be provided.

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