

1-1 By: Creighton S.B. No. 2162
 1-2 (In the Senate - Filed March 25, 2021; April 1, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 23, 2021, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 23, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Harris County Municipal Utility
 1-20 District No. 578; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7914A to read as follows:

1-26 CHAPTER 7914A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 578
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7914A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.
 1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.
 1-33 (4) "District" means the Harris County Municipal
 1-34 Utility District No. 578.

1-35 Sec. 7914A.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 7914A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7914A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7914A.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district.

1-48 Sec. 7914A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:
 1-51 (1) a municipal utility district as provided by
 1-52 general law and Section 59, Article XVI, Texas Constitution; and
 1-53 (2) Section 52, Article III, Texas Constitution, that
 1-54 relate to the construction, acquisition, improvement, operation,
 1-55 or maintenance of macadamized, graveled, or paved roads, or
 1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 7914A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-58 district is initially composed of the territory described by
 1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
 1-61 the Act enacting this chapter form a closure. A mistake made in the

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:
 2-3 (1) organization, existence, or validity;
 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
 2-7 (3) right to impose a tax; or
 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 7914A.0201. GOVERNING BODY; TERMS. (a) The district
 2-11 is governed by a board of five elected directors.

2-12 (b) Except as provided by Section 7914A.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 7914A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-15 board consists of:

- 2-16 (1) Sam Cocke;
- 2-17 (2) Lauren Brigance;
- 2-18 (3) Alissa Payne;
- 2-19 (4) Christopher Townsend; and
- 2-20 (5) Terry O'Kelley.

2-21 (b) Temporary directors serve until the earlier of:

- 2-22 (1) the date permanent directors are elected under
 2-23 Section 7914A.0103; or
- 2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 7914A.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

- 2-31 (1) the date permanent directors are elected under
 2-32 Section 7914A.0103; or
- 2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7914A.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 7914A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 7914A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-52 Section 52, Article III, Texas Constitution, the district may
 2-53 design, acquire, construct, finance, issue bonds for, improve,
 2-54 operate, maintain, and convey to this state, a county, or a
 2-55 municipality for operation and maintenance macadamized, graveled,
 2-56 or paved roads, or improvements, including storm drainage, in aid
 2-57 of those roads.

2-58 Sec. 7914A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-59 road project must meet all applicable construction standards,
 2-60 zoning and subdivision requirements, and regulations of each
 2-61 municipality in whose corporate limits or extraterritorial
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
 2-64 or extraterritorial jurisdiction of a municipality, the road
 2-65 project must meet all applicable construction standards,
 2-66 subdivision requirements, and regulations of each county in which
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.
3-2 Sec. 7914A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-3 ORDINANCE OR RESOLUTION. The district shall comply with all
3-4 applicable requirements of any ordinance or resolution that is
3-5 adopted under Section 54.016 or 54.0165, Water Code, and that
3-6 consents to the creation of the district or to the inclusion of land
3-7 in the district.

3-8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-9 Sec. 7914A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-10 The district may issue, without an election, bonds and other
3-11 obligations secured by:

3-12 (1) revenue other than ad valorem taxes; or
3-13 (2) contract payments described by Section
3-14 7914A.0403.

3-15 (b) The district must hold an election in the manner
3-16 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-17 before the district may impose an ad valorem tax or issue bonds
3-18 payable from ad valorem taxes.

3-19 (c) The district may not issue bonds payable from ad valorem
3-20 taxes to finance a road project unless the issuance is approved by a
3-21 vote of a two-thirds majority of the district voters voting at an
3-22 election held for that purpose.

3-23 Sec. 7914A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-24 authorized at an election held under Section 7914A.0401, the
3-25 district may impose an operation and maintenance tax on taxable
3-26 property in the district in accordance with Section 49.107, Water
3-27 Code.

3-28 (b) The board shall determine the tax rate. The rate may not
3-29 exceed the rate approved at the election.

3-30 Sec. 7914A.0403. CONTRACT TAXES. (a) In accordance with
3-31 Section 49.108, Water Code, the district may impose a tax other than
3-32 an operation and maintenance tax and use the revenue derived from
3-33 the tax to make payments under a contract after the provisions of
3-34 the contract have been approved by a majority of the district voters
3-35 voting at an election held for that purpose.

3-36 (b) A contract approved by the district voters may contain a
3-37 provision stating that the contract may be modified or amended by
3-38 the board without further voter approval.

3-39 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-40 Sec. 7914A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-41 OBLIGATIONS. The district may issue bonds or other obligations
3-42 payable wholly or partly from ad valorem taxes, impact fees,
3-43 revenue, contract payments, grants, or other district money, or any
3-44 combination of those sources, to pay for any authorized district
3-45 purpose.

3-46 Sec. 7914A.0502. TAXES FOR BONDS. At the time the district
3-47 issues bonds payable wholly or partly from ad valorem taxes, the
3-48 board shall provide for the annual imposition of a continuing
3-49 direct ad valorem tax, without limit as to rate or amount, while all
3-50 or part of the bonds are outstanding as required and in the manner
3-51 provided by Sections 54.601 and 54.602, Water Code.

3-52 Sec. 7914A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-53 issuance, the total principal amount of bonds or other obligations
3-54 issued or incurred to finance road projects and payable from ad
3-55 valorem taxes may not exceed one-fourth of the assessed value of the
3-56 real property in the district.

3-57 SECTION 2. The Harris County Municipal Utility District No.
3-58 578 initially includes all the territory contained in the following
3-59 area:

3-60 Being 143.34 acres of land located in the Humphrey Jackson
3-61 Survey, Abstract 37, Harris County, Texas, Said 143.34 acre tract
3-62 being the remainder of that certain called 175.61 acre tract,
3-63 conveyed to Rampart Holding LP, by an instrument of record under
3-64 File Number Y254152, of the Official Public Records of Real
3-65 Property of said Harris County (H.C.O.P.R.R.P.); said 143.34 acre
3-66 tract being more particularly described by metes and bounds as
3-67 follows with all bearings referenced to the Texas Coordinate
3-68 System, South Central Zone, NAD 83 (NA2011);

3-69 BEGINNING at a 1/2-inch iron rod, found for the Northeast

4-1 corner of that certain called 32.272 acre tract conveyed to
 4-2 Stonebridge at Newport, Inc by an instrument of record under File
 4-3 Number RP-2016-30087, H.C.O.P.R.R.P.; same being on the south
 4-4 right-of-way line of Diamondhead Boulevard (100' wide), as shown on
 4-5 Newport Section 2, a subdivision of record in Volume 195, Page 35 of
 4-6 the Map Records of said Harris County, Texas (H.C.M.R.), common
 4-7 with the north line of said 175.61-acre tract, the beginning of a
 4-8 curve;

4-9 Thence, 683.85 feet with said common line, along the arc of a
 4-10 non-tangent curve to the left, having a radius of 2,050.00 feet, a
 4-11 central angle of 19° 06' 47", and a chord which bears North 83° 44'
 4-12 23" East, 680.68 feet to a point for corner;

4-13 Thence, North 74° 10' 59" East, continuing along said common
 4-14 line, 614.03 feet to a point for corner, the beginning of a curve;

4-15 Thence, departing the south right-of-way line of said
 4-16 Diamondhead Boulevard, along the east, south and west lines of said
 4-17 175.61-acre tract the following seven (7) courses:

- 4-18 1. 953.50 feet along the arc of a non-tangent curve to the
 4-19 right, having a radius of 1200.00 feet, a central angle
 4-20 of 45° 31' 34", and a chord which bears South 09° 25' 13"
 4-21 West, 928.61 feet to a point for corner;
- 4-22 2. South 32° 11' 00" West, 140.56 feet to a point for corner,
 4-23 the beginning of a curve;
- 4-24 3. 441.82 feet along the arc of a tangent curve to the left,
 4-25 having a radius of 2100.00 feet, a central angle of 12°
 4-26 03' 16", and a chord which bears South 26° 09' 21" West,
 4-27 441.01 feet to a point for corner;
- 4-28 4. South 20° 07' 44" West, 509.92 feet to a point for corner,
 4-29 the beginning of a curve;
- 4-30 5. 367.37 feet along the arc of a tangent curve to the left,
 4-31 having a radius of 2100.00 feet, a central angle of 10°
 4-32 01' 24", and a chord which bears South 15° 07' 02" West,
 4-33 366.90 feet to a point for corner;
- 4-34 6. South 88° 20' 45" West, 2983.90 feet to a point for
 4-35 corner;
- 4-36 7. North 01° 33' 15" West, 2308.16 feet to a point for corner
 4-37 in the south right-of-way line of the aforementioned
 4-38 Diamondhead Boulevard, the beginning of a curve;

4-39 Thence, along the south right-of-way line of said Diamondhead
 4-40 Boulevard, same being the north line of the aforementioned
 4-41 175.61-acre tract the following five (5) courses:

- 4-42 1. 307.04 feet along the arc of a non-tangent curve to the
 4-43 left, having a radius of 2,050.00 feet, a central angle
 4-44 of 08° 34' 53", and a chord which bears North 78° 39' 01"
 4-45 East, 306.75 feet to a point for corner;
- 4-46 2. North 74° 21' 35" East, 100.00 feet to a point for corner,
 4-47 the beginning of a curve;
- 4-48 3. 1,320.66 feet along the arc of a tangent curve to the
 4-49 right, having a radius of 1,950.00 feet, a central angle
 4-50 of 38° 48' 15", and a chord which bears South 86° 14' 18"
 4-51 East, 1,295.56 feet to a point for corner;
- 4-52 4. South 66° 50' 10" East, 100.00 feet to a point for corner,
 4-53 the beginning of a curve;
- 4-54 5. 405.52 feet along the arc of a tangent curve to the left,
 4-55 having a radius of 2,050.00 feet, a central angle of 11°
 4-56 20' 02", and a chord which bears South 72° 30' 11" East,
 4-57 404.86 feet to a 1/2-inch iron rod found for the
 4-58 northwest corner of the aforementioned 32.272-acre
 4-59 tract;

4-60 Thence, along the interior and exterior lines of the
 4-61 aforementioned 32.272-acre tract the following the fifty-five (55)
 4-62 courses:

- 4-63 1. South 23° 24' 08" West, 98.33 feet to a point for corner;
- 4-64 2. South 40° 32' 00" West, 518.07 feet to a point for corner,
 4-65 the beginning of a curve;
- 4-66 3. 95.27 feet along the arc of a non-tangent curve to the
 4-67 left, having a radius of 280.00 feet, a central angle of
 4-68 19° 29' 42", and a chord which bears South 27° 25' 38"
 4-69 East, 94.81 feet to a point for corner;

- 5-1 4. South 52° 49' 33" West, 152.91 feet to a 1/2-inch iron rod
5-2 found for corner;
5-3 5. South 87° 00' 20" West, passing at 116.70 feet, a found
5-4 5/8-inch iron rod with cap stamped "LJA ENG", continuing
5-5 for a total distance of 570.80 feet to a 1/2-inch iron
5-6 rod found for corner;
5-7 6. North 83° 00' 00" West, 730.02 feet to a 1/2-inch iron rod
5-8 found for corner;
5-9 7. South 12° 20' 00" West, 186.03 feet to a 1/2-inch iron rod
5-10 (bent) found for corner, the beginning of a curve;
5-11 8. 59.67 feet along the arc of a tangent curve to the left,
5-12 having a radius of 970.00 feet, a central angle of 03° 31'
5-13 28", and a chord which bears South 10° 34' 16" West, 59.66
5-14 feet to a 1/2-inch iron rod (bent) found for corner;
5-15 9. South 80° 00' 00" East, 80.00 feet to a 1/2-inch iron rod
5-16 found for corner;
5-17 10. South 03° 43' 00" West, 129.96 feet to a 1/2-inch iron rod
5-18 found for corner;
5-19 11. South 86° 17' 00" East, 20.59 feet to a 1/2-inch iron rod
5-20 found for corner, the beginning of a curve;
5-21 12. 18.14 feet along the arc of a non-tangent curve to the
5-22 right, having a radius of 1,130.00 feet, a central angle
5-23 of 00° 55' 12", and a chord which bears South 85° 58' 31"
5-24 East, 18.14 feet to a 1/2-inch iron rod found for corner;
5-25 13. North 04° 38' 12" East, 125.55 feet to a 1/2-inch iron rod
5-26 found for corner;
5-27 14. South 79° 58' 22" East, 560.67 feet to a 1/2-inch iron rod
5-28 found for corner;
5-29 15. North 83° 19' 11" East, 143.74 feet to a point for corner;
5-30 16. North 69° 10' 00" East, 422.60 feet to a point for corner;
5-31 17. North 71° 58' 11" East, passing at 84.38 feet a found
5-32 5/8-inch iron rod with cap stamped, "LJA ENG", at 313.60
5-33 feet found 5/8-inch iron rod with cap stamped, "LJA ENG",
5-34 continuing for a total distance of 414.60 feet to a point
5-35 for corner;
5-36 18. North 23° 54' 00" East, 407.00 feet to a 1/2-inch iron rod
5-37 found for corner;
5-38 19. North 84° 00' 00" East, 182.00 feet to a 1/2-inch iron rod
5-39 found for corner;
5-40 20. South 30° 38' 00" East, 207.00 feet to a 1/2-inch iron rod
5-41 found for corner;
5-42 21. South 24° 57' 00" East, 280.96 feet to a 1/2-inch iron rod
5-43 found for corner;
5-44 22. South 20° 00' 00" East, 800.67 feet to a point for corner;
5-45 23. South 33° 18' 00" West, 130.55 feet to a point for corner;
5-46 24. North 72° 34' 14" West, 164.95 feet to a point for corner;
5-47 25. North 69° 28' 00" West, passing at 680.61 feet a found
5-48 5/8-inch iron rod with cap stamped, "LJA ENG",
5-49 continuing for a total distance of 442.12 feet to a
5-50 1/2-inch iron rod found for corner;
5-51 26. South 16° 00' 00" West, 19.60 feet to a 1/2-inch iron rod
5-52 found for corner;
5-53 27. North 74° 00' 00" West, 60.00 feet to a point for corner;
5-54 28. North 63° 29' 54" West, 159.72 feet to a 5/8-inch iron rod
5-55 with cap stamped, "LJA ENG" found for corner;
5-56 29. North 87° 37' 27" West, 991.57 feet to a point for corner,
5-57 from which a found 1/2-inch iron rod bears South 65° 25'
5-58 50" West, 3.16 feet;
5-59 30. North 80° 00' 00" West, 457.09 feet to a 1/2-inch iron rod
5-60 found for corner;
5-61 31. North 86° 20' 00" West, 71.88 feet to a 1/2-inch iron rod
5-62 found for corner;
5-63 32. North 03° 31' 41" East, 122.80 feet to a 1/2-inch iron rod
5-64 found for corner, the beginning of a curve;
5-65 33. 5.99 feet along the arc of a non-tangent curve to the
5-66 left, having a radius of 1,070.00 feet, a central angle
5-67 of 00° 19' 15", and a chord which bears North 85° 42' 50"
5-68 West, 5.99 feet to a point for corner;
5-69 34. North 85° 52' 28" West, 24.01 feet to a 1/2-inch iron rod

- 6-1 found for corner;
- 6-2 35. South 03° 31' 41" West, 123.05 feet to a 1/2-inch iron rod
- 6-3 found for corner;
- 6-4 36. North 82° 48' 31" West, 212.69 feet to a 1/2-inch iron rod
- 6-5 with cap stamped "CEI 5127" found for corner;
- 6-6 37. South 88° 56' 00" West, 84.42 feet to a 1/2-inch iron rod
- 6-7 with cap stamped "CEI 5127" found for corner;
- 6-8 38. South 00° 40' 45" West, 56.19 feet to a 1/2-inch iron rod
- 6-9 with cap stamped "CEI 5127" found for corner;
- 6-10 39. South 76° 40' 00" East, 297.72 feet to a 1/2-inch iron rod
- 6-11 found corner;
- 6-12 40. South 68° 04' 14" East, 575.03 feet to a 1/2-inch iron rod
- 6-13 (bent) found corner;
- 6-14 41. South 84° 45' 58" East, 672.07 feet to a 1/2-inch iron rod
- 6-15 with cap stamped "CEI 3438" found for corner;
- 6-16 42. South 77° 59' 50" East, 314.70 feet to a 1/2-inch iron rod
- 6-17 with cap stamped "CEI 5127" found for corner;
- 6-18 43. South 87° 18' 47" East, 487.09 feet to a 1/2-inch iron rod
- 6-19 found for corner;
- 6-20 44. South 66° 32' 04" East, 349.78 feet to a point for corner;
- 6-21 45. South 86° 35' 17" East, 193.19 feet to a point for corner;
- 6-22 46. North 44° 36' 00" East, 41.91 feet to a point for corner;
- 6-23 47. North 07° 48' 02" West, 391.41 feet to a point for corner;
- 6-24 48. North 09° 10' 00" West, 438.39 feet to a point for corner;
- 6-25 49. North 04° 20' 00" West, 284.56 feet to a point for corner;
- 6-26 50. North 15° 39' 28" West, 137.52 feet to a point for corner;
- 6-27 51. North 33° 08' 00" West, 242.74 feet to a point for corner;
- 6-28 52. North 27° 18' 00" West, 95.00 feet to a point for corner;
- 6-29 53. North 00° 18' 00" West, 53.22 feet to a point for corner;
- 6-30 54. South 89° 42' 00" West, 44.24 feet to a point for corner;
- 6-31 55. North 32° 10' 53" West, 159.95 feet to the POINT OF
- 6-32 BEGINNING and containing 143.34 acres of land.

6-33 SECTION 3. (a) The legal notice of the intention to
 6-34 introduce this Act, setting forth the general substance of this
 6-35 Act, has been published as provided by law, and the notice and a
 6-36 copy of this Act have been furnished to all persons, agencies,
 6-37 officials, or entities to which they are required to be furnished
 6-38 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 6-39 Government Code.

6-40 (b) The governor, one of the required recipients, has
 6-41 submitted the notice and Act to the Texas Commission on
 6-42 Environmental Quality.

6-43 (c) The Texas Commission on Environmental Quality has filed
 6-44 its recommendations relating to this Act with the governor, the
 6-45 lieutenant governor, and the speaker of the house of
 6-46 representatives within the required time.

6-47 (d) All requirements of the constitution and laws of this
 6-48 state and the rules and procedures of the legislature with respect
 6-49 to the notice, introduction, and passage of this Act are fulfilled
 6-50 and accomplished.

6-51 SECTION 4. (a) If this Act does not receive a two-thirds
 6-52 vote of all the members elected to each house, Subchapter C, Chapter
 6-53 7914A, Special District Local Laws Code, as added by Section 1 of
 6-54 this Act, is amended by adding Section 7914A.0306 to read as
 6-55 follows:

6-56 Sec. 7914A.0306. NO EMINENT DOMAIN POWER. The district may
 6-57 not exercise the power of eminent domain.

6-58 (b) This section is not intended to be an expression of a
 6-59 legislative interpretation of the requirements of Section 17(c),
 6-60 Article I, Texas Constitution.

6-61 SECTION 5. This Act takes effect immediately if it receives
 6-62 a vote of two-thirds of all the members elected to each house, as
 6-63 provided by Section 39, Article III, Texas Constitution. If this
 6-64 Act does not receive the vote necessary for immediate effect, this
 6-65 Act takes effect September 1, 2021.

6-66 * * * * *