

1-1 By: Bettencourt S.B. No. 2180
 1-2 (In the Senate - Filed March 31, 2021; April 6, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 21, 2021, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez	X			
1-9 Eckhardt	X			
1-10 Gutierrez	X			
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 Springer	X			
1-15 Zaffirini	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. 581; 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 7924A to read as follows:

1-26 CHAPTER 7924A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 581
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7924A.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. 581.

1-35 Sec. 7924A.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. 7924A.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. 7924A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7924A.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. 7924A.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. 7924A.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. 7924A.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 7924A.0202, directors
2-13 serve staggered four-year terms.

2-14 Sec. 7924A.0202. TEMPORARY DIRECTORS. (a) On or after the
2-15 effective date of the Act enacting this chapter, the owner or owners
2-16 of a majority of the assessed value of the real property in the
2-17 district may submit a petition to the commission requesting that
2-18 the commission appoint as temporary directors the five persons
2-19 named in the petition. The commission shall appoint as temporary
2-20 directors the five persons named in the petition.

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

2-22 (1) the date permanent directors are elected under
2-23 Section 7924A.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 7924A.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 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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 7924A.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. 7924A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-24 authorized at an election held under Section 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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
3-58 No. 581 initially includes all the territory contained in the
3-59 following area:

3-60 TRACT 1 65.233 ACRES

3-61 A TRACT OR PARCEL CONTAINING 65.233 ACRES OR 2,841,562 SQUARE
3-62 FEET OF LAND SITUATED IN THE WILLIAM SETTLE SURVEY, ABSTRACT NO.
3-63 705, HARRIS COUNTY, TEXAS, BEING THE RESIDUE OF A CALLED 66.07629
3-64 ACRE TRACT OF LAND, CONVEYED TO CYPRESS ROSE HILL, LTD. #1, AS
3-65 RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F. NO. E031964
3-66 WITH SAID 65.233 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY
3-67 METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS
3-68 STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

3-69 BEGINNING AT A CAPPED 5/8 INCH IRON ROD FOUND ON THE EAST

4-1 RIGHT-OF-WAY (R.O.W.) LINE OF CYPRESS ROSEHILL ROAD (100 FEET WIDE)
 4-2 AS RECORDED UNDER H.C.C.F. NOS. 20080044631, 20080092981, AND
 4-3 20080229033, FOR THE SOUTHWEST CORNER OF UNRESTRICTED RESERVE "F"
 4-4 OF LAKES AT CYPRESS HILL, MAP OR PLAT THEREOF RECORDED UNDER FILM
 4-5 CODE NO. 350084 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND THE
 4-6 NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

4-7 THENCE, NORTH 87 DEG. 47 MIN. 13 SEC. EAST, ALONG THE COMMON
 4-8 LINE OF SAID UNRESTRICTED RESERVE "F", SAID CALLED 66.07629 ACRE
 4-9 TRACT, AND LANDSCAPE RESERVE "B" OF SAID LAKES AT CYPRESS HILL, A
 4-10 DISTANCE OF 1,516.12 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE
 4-11 NORTHEAST CORNER OF SAID CALLED 66.07629 ACRE TRACT AND THE HEREIN
 4-12 DESCRIBED TRACT;

4-13 THENCE, SOUTH 02 DEG. 28 MIN. 37 SEC. EAST, ALONG THE EAST
 4-14 LINE OF SAID CALLED 66.07629 ACRE TRACT, AND THE WEST LINE OF
 4-15 RESERVE "B" OF SAID LAKES AT CYPRESS HILL, A DISTANCE OF 5.64 FEET
 4-16 TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE
 4-17 NORTHWEST CORNER OF A CALLED 46.8686 ACRE TRACT OF LAND, CONVEYED TO
 4-18 DAVID BRUCE JONES, AS RECORDED UNDER H.C.C.F. NO. 20110039327, FROM
 4-19 WHICH A FOUND 1/2 INCH IRON ROD BEARS FOR REFERENCE NORTH 06 DEG. 24
 4-20 MIN. 48 SEC. WEST, A DISTANCE OF 1.34 FEET;

4-21 THENCE, SOUTH 02 DEG. 28 MIN. 47 SEC. EAST, ALONG THE COMMON
 4-22 LINE OF SAID CALLED 66.07629 ACRE TRACT, SAID CALLED 46.8686 ACRE
 4-23 TRACT, A CALLED 2.7153 ACRE TRACT OF LAND CONVEYED TO DAVID BRUCE
 4-24 JONES, AS RECORDED UNDER H.C.C.F. NO. 20110039327, AND A CALLED
 4-25 30.0000 ACRE TRACT OF LAND, CONVEYED TO DAVID BRUCE JONES, AS
 4-26 RECORDED UNDER H.C.C.F. NO. M282878, A DISTANCE OF 1,868.53 FEET TO
 4-27 AN AXLE FOUND FOR THE SOUTHEAST CORNER OF SAID CALLED 66.07629 ACRE
 4-28 TRACT;

4-29 THENCE, SOUTH 88 DEG. 10 MIN. 44 SEC. WEST, ALONG THE SOUTH
 4-30 LINE OF SAID CALLED 66.07629 ACRE TRACT, A DISTANCE OF 1,524.78 FEET
 4-31 TO A CAPPED 5/8 INCH IRON ROD STAMPED "S & V" FOUND ON THE EAST
 4-32 R.O.W. LINE OF SAID CYPRESS ROSEHILL ROAD, FOR THE NORTHWEST CORNER
 4-33 OF A CALLED 2.6547 ACRE TRACT, CONVEYED TO NORWEST MORTGAGE, INC. AS
 4-34 RECORDED UNDER H.C.C.F. NO. R856420;

4-35 THENCE, NORTH 02 DEG. 12 MIN. 58 SEC. WEST, ALONG THE EAST
 4-36 R.O.W. LINE OF SAID CYPRESS ROSEHILL ROAD, A DISTANCE OF 1,863.72
 4-37 FEET TO THE POINT OF BEGINNING AND CONTAINING 65.233 ACRES OR
 4-38 2,841,562 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54760, PREPARED
 4-39 BY WINDROSE LAND SERVICES.

4-40 TRACT 2 (58.396 ACRES)

4-41 A 58.396 acre, or 2,543,742 square feet more or less, tract of
 4-42 land being the remaining portion of the 58.735 acre tract conveyed
 4-43 to Hally Beth Walker Poindexter, as recorded in Clerk's File
 4-44 No. E465875 in the Official Public Records of Real Property of
 4-45 Harris County, Texas, in the F. Benignus Survey, Abstract 1463,
 4-46 Harris County, Texas. Said 58.396 acre tract being more fully
 4-47 described as follows, with bearings based on the North American
 4-48 Datum of 1983 NAD 83 (NA2011) epoch 2010.00, from the Texas
 4-49 Coordinate System established for the South Central Zone.

4-50 BEGINNING: At a found 3/4 inch iron rod on the north
 4-51 right-of-way line of Grant Road, a 60-foot right-of-way, at the
 4-52 southwest corner of said 58.735 acre tract, at the southeast corner
 4-53 of the 3.975 acre tract conveyed to O'Conner Properties, No. One,
 4-54 LLC, as recorded in Clerk's File No. 20140112827 in the Official
 4-55 Public Records of Real Property of Harris County, Texas;

4-56 THENCE: N 02°11'41" W, along and with the west line of said
 4-57 58.735 acre tract, the east line of said 3.975 acre tract, the east
 4-58 line of the 10.2141 acre tract, conveyed to Emmanuel Baptist Church
 4-59 of Houston Texas, as recorded in Clerk's File No. 20140542621, in
 4-60 the Official Public Records of Real Property of Harris County,
 4-61 Texas, the east line of the 6.6513 acre tract, conveyed to Doyle Kay
 4-62 and Cynthia L. Kay, as recorded in Clerk's File No. 20080188383,
 4-63 and the east line of the 3.9999 acre tract, conveyed to Robert R.
 4-64 Hodge and Amy F. Vanzant-Hodge, as recorded in Clerk's File No
 4-65 20070607517 in the Official Public Records of Real Property of
 4-66 Harris County, Texas, a distance of 1737.23 feet to a found 3/4 inch
 4-67 iron pipe on the south line of the 66.07529 acre tract conveyed to
 4-68 Cypress Rose Hill, Ltd. #1, as recorded in Clerk's File
 4-69 No. E0319641 in the Official Public Records of Real Property of

5-1 Harris County, Texas, at the northeast corner of said 3.9999 acre
5-2 tract, for the northwest corner of this tract;

5-3 THENCE: N 87°43'56" E, along and with the south line of said
5-4 66.07529 acre tract, a distance of 213.80 feet to a found axle on
5-5 the west line of the 46.8686 acre tract, conveyed to Doyle E. Jones
5-6 and Bruce Jones, as recorded in Clerk's File No. K944940 in the
5-7 Official Public Records of Real Property of Harris County, Texas,
5-8 and described in Document No. D581566 in the Official Public
5-9 Records of Real Property of Harris County, Texas, at the southeast
5-10 corner of said 66.07529 acre tract;

5-11 THENCE: S 02°11'32" E, along and with the west line of said
5-12 46.8686 acre tract and an east line of said 58.735 acre tract, a
5-13 distance of 455.96 feet to a found 1/2 inch iron rod, at the
5-14 southwest corner of said 46.8686 acre tract and an interior corner
5-15 of said 58.735 acre tract;

5-16 THENCE: N 87°57'55" E, along and with a north line of said
5-17 58.735 acre tract, the south line of said 46.8686 acre tract, and
5-18 the south line of a called 5.720 acre tract conveyed to Manuel
5-19 Cuevas and Lorena Cuevas, as recorded in Clerk's File
5-20 No. RP-2019-9855 in the Official Public Records of Real Property of
5-21 Harris County, Texas, a distance of 1700.29 feet to a found 3/4 inch
5-22 iron pipe in the west line of the 1.15 acre tract conveyed to Garon
5-23 W. Hano and Nicole B. Hano, as recorded in Clerk's File
5-24 No. 20130173499 in the Official Public Records of Real Property of
5-25 Harris County, Texas, for the northeast corner of this tract;

5-26 THENCE: S 02°02'13" E, along and with an east line of said
5-27 58.735 acre tract, the west line of said 1.15 acre tract and the
5-28 west right-of-way line of Kitzman Road, a variable width
5-29 right-of-way, a distance of 371.42 feet to a set 5/8 inch iron rod
5-30 with a yellow cap marked "Pape-Dawson", at the north corner of the
5-31 0.2038 acre right-of-way dedication conveyed to Harris County,
5-32 Texas, as recorded in Volume 3765, Page 717 in the Deed Records of
5-33 Harris County, Texas;

5-34 THENCE: Along and with the west right-of-way line of said
5-35 Kitzman Road and the west line of said 0.2038 acre tract the
5-36 following bearings and distances:

5-37 Southwesterly, along a non-tangent curve to the left,
5-38 said curve having a radial bearing of S 77°53'45" E, a radius
5-39 of 330.00 feet, a central angle of 14°08'28", a chord bearing
5-40 and distance of S 05°02'01" W, 81.24 feet, for an arc length
5-41 of 81.45 feet to a set 5/8 inch iron rod with a yellow cap
5-42 marked "Pape-Dawson" for the point of tangency;

5-43 THENCE: S 02°02'13" E, a distance of 833.64 feet to a found
5-44 5/8 inch iron rod at the intersection of the west right-of-way line
5-45 of said Kitzman Road and the north right-of-way line of said Grant
5-46 Road, at the southwest corner of said 0.2038 acre tract and the
5-47 southeast corner of this tract;

5-48 THENCE: S 88°04'20" W, along and with the north right-of-way
5-49 line of said Grant Road, a distance of 1900.54 feet to the POINT OF
5-50 BEGINNING, and containing 58.396 acres in Harris County, Texas.
5-51 Said tract being described in accordance with a survey made on the
5-52 ground and a survey description and map prepared under job number
5-53 49226-19 by Pape-Dawson Engineers, Inc.

5-54 SECTION 3. (a) The legal notice of the intention to
5-55 introduce this Act, setting forth the general substance of this
5-56 Act, has been published as provided by law, and the notice and a
5-57 copy of this Act have been furnished to all persons, agencies,
5-58 officials, or entities to which they are required to be furnished
5-59 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-60 Government Code.

5-61 (b) The governor, one of the required recipients, has
5-62 submitted the notice and Act to the Texas Commission on
5-63 Environmental Quality.

5-64 (c) The Texas Commission on Environmental Quality has filed
5-65 its recommendations relating to this Act with the governor, the
5-66 lieutenant governor, and the speaker of the house of
5-67 representatives within the required time.

5-68 (d) All requirements of the constitution and laws of this
5-69 state and the rules and procedures of the legislature with respect

6-1 to the notice, introduction, and passage of this Act are fulfilled
6-2 and accomplished.

6-3 SECTION 4. (a) If this Act does not receive a two-thirds
6-4 vote of all the members elected to each house, Subchapter C, Chapter
6-5 7924A, Special District Local Laws Code, as added by Section 1 of
6-6 this Act, is amended by adding Section 7924A.0306 to read as
6-7 follows:

6-8 Sec. 7924A.0306. NO EMINENT DOMAIN POWER. The district may
6-9 not exercise the power of eminent domain.

6-10 (b) This section is not intended to be an expression of a
6-11 legislative interpretation of the requirements of Section 17(c),
6-12 Article I, Texas Constitution.

6-13 SECTION 5. This Act takes effect immediately if it receives
6-14 a vote of two-thirds of all the members elected to each house, as
6-15 provided by Section 39, Article III, Texas Constitution. If this
6-16 Act does not receive the vote necessary for immediate effect, this
6-17 Act takes effect September 1, 2021.

6-18

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