

By: Oliverson

H.B. No. 5347

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Harris County Municipal Utility  
3 District No. 597; granting a limited power of eminent domain;  
4 providing authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 7997A to read as follows:

9 CHAPTER 7997A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 597

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7997A.0101. DEFINITIONS. In this chapter:

12 (1) "Board" means the district's board of directors.

13 (2) "Commission" means the Texas Commission on  
14 Environmental Quality.

15 (3) "Director" means a board member.

16 (4) "District" means the Harris County Municipal  
17 Utility District No. 597.

18 Sec. 7997A.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7997A.0103. CONFIRMATION AND DIRECTOR ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 7997A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7997A.0103 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district as required by  
7 applicable law.

8       Sec. 7997A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9       (a) The district is created to serve a public purpose and benefit.

10       (b) The district is created to accomplish the purposes of:

11               (1) a municipal utility district as provided by  
12 general law and Section 59, Article XVI, Texas Constitution; and

13               (2) Section 52, Article III, Texas Constitution, that  
14 relate to the construction, acquisition, improvement, operation,  
15 or maintenance of macadamized, graveled, or paved roads, or  
16 improvements, including storm drainage, in aid of those roads.

17       Sec. 7997A.0106. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act enacting this chapter.

20       (b) The boundaries and field notes contained in Section 2 of  
21 the Act enacting this chapter form a closure. A mistake made in the  
22 field notes or in copying the field notes in the legislative process  
23 does not affect the district's:

24               (1) organization, existence, or validity;

25               (2) right to issue any type of bond for the purposes  
26 for which the district is created or to pay the principal of and  
27 interest on a bond;

1           (3) right to impose a tax; or

2           (4) legality or operation.

3                   SUBCHAPTER B. BOARD OF DIRECTORS

4           Sec. 7997A.0201. GOVERNING BODY; TERMS. (a) The district  
5 is governed by a board of five elected directors.

6           (b) Except as provided by Section 7997A.0202, directors  
7 serve staggered four-year terms.

8           Sec. 7997A.0202. TEMPORARY DIRECTORS. (a) On or after the  
9 effective date of the Act enacting this chapter, the owner or owners  
10 of a majority of the assessed value of the real property in the  
11 district may submit a petition to the commission requesting that  
12 the commission appoint as temporary directors the five persons  
13 named in the petition. The commission shall appoint as temporary  
14 directors the five persons named in the petition.

15           (b) Temporary directors serve until the earlier of:

16                   (1) the date permanent directors are elected under  
17 Section 7997A.0103; or

18                   (2) the fourth anniversary of the effective date of  
19 the Act enacting this chapter.

20           (c) If permanent directors have not been elected under  
21 Section 7997A.0103 and the terms of the temporary directors have  
22 expired, successor temporary directors shall be appointed or  
23 reappointed as provided by Subsection (d) to serve terms that  
24 expire on the earlier of:

25                   (1) the date permanent directors are elected under  
26 Section 7997A.0103; or

27                   (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a  
3 majority of the assessed value of the real property in the district  
4 may submit a petition to the commission requesting that the  
5 commission appoint as successor temporary directors the five  
6 persons named in the petition. The commission shall appoint as  
7 successor temporary directors the five persons named in the  
8 petition.

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7997A.0301. GENERAL POWERS AND DUTIES. The district  
11 has the powers and duties necessary to accomplish the purposes for  
12 which the district is created.

13 Sec. 7997A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
14 DUTIES. The district has the powers and duties provided by the  
15 general law of this state, including Chapters 49 and 54, Water Code,  
16 applicable to municipal utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

18 Sec. 7997A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
19 Section 52, Article III, Texas Constitution, the district may  
20 design, acquire, construct, finance, issue bonds for, improve,  
21 operate, maintain, and convey to this state, a county, or a  
22 municipality for operation and maintenance macadamized, graveled,  
23 or paved roads, or improvements, including storm drainage, in aid  
24 of those roads.

25 Sec. 7997A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
26 road project must meet all applicable construction standards,  
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial  
2 jurisdiction the road project is located.

3 (b) If a road project is not located in the corporate limits  
4 or extraterritorial jurisdiction of a municipality, the road  
5 project must meet all applicable construction standards,  
6 subdivision requirements, and regulations of each county in which  
7 the road project is located.

8 (c) If the state will maintain and operate the road, the  
9 Texas Transportation Commission must approve the plans and  
10 specifications of the road project.

11 Sec. 7997A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
12 ORDINANCE OR RESOLUTION. The district shall comply with all  
13 applicable requirements of any ordinance or resolution that is  
14 adopted under Section 54.016 or 54.0165, Water Code, and that  
15 consents to the creation of the district or to the inclusion of land  
16 in the district.

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 7997A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
19 The district may issue, without an election, bonds and other  
20 obligations secured by:

21 (1) revenue other than ad valorem taxes; or  
22 (2) contract payments described by Section  
23 7997A.0403.

24 (b) The district must hold an election in the manner  
25 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
26 before the district may impose an ad valorem tax or issue bonds  
27 payable from ad valorem taxes.

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

5       Sec. 7997A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
6 authorized at an election held under Section 7997A.0401, the  
7 district may impose an operation and maintenance tax on taxable  
8 property in the district in accordance with Section 49.107, Water  
9 Code.

10       (b) The board shall determine the tax rate. The rate may not  
11 exceed the rate approved at the election.

12       Sec. 7997A.0403. CONTRACT TAXES. (a) In accordance with  
13 Section 49.108, Water Code, the district may impose a tax other than  
14 an operation and maintenance tax and use the revenue derived from  
15 the tax to make payments under a contract after the provisions of  
16 the contract have been approved by a majority of the district voters  
17 voting at an election held for that purpose.

18       (b) A contract approved by the district voters may contain a  
19 provision stating that the contract may be modified or amended by  
20 the board without further voter approval.

21               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22       Sec. 7997A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
23 OBLIGATIONS. The district may issue bonds or other obligations  
24 payable wholly or partly from ad valorem taxes, impact fees,  
25 revenue, contract payments, grants, or other district money, or any  
26 combination of those sources, to pay for any authorized district  
27 purpose.

1       Sec. 7997A.0502. TAXES FOR BONDS. At the time the district  
2 issues bonds payable wholly or partly from ad valorem taxes, the  
3 board shall provide for the annual imposition of a continuing  
4 direct ad valorem tax, without limit as to rate or amount, while all  
5 or part of the bonds are outstanding as required and in the manner  
6 provided by Sections 54.601 and 54.602, Water Code.

7       Sec. 7997A.0503. BONDS FOR ROAD PROJECTS. At the time of  
8 issuance, the total principal amount of bonds or other obligations  
9 issued or incurred to finance road projects and payable from ad  
10 valorem taxes may not exceed one-fourth of the assessed value of the  
11 real property in the district.

12       SECTION 2. The Harris County Municipal Utility District No.  
13 597 initially includes all the territory contained in the following  
14 area:

15       Being 528.9 acres of land located in the Harris County School  
16 Land Survey, Section 2, Abstract No. 332, Harris County, Texas;  
17 said 528.9 acres being all of Lots 1-8, 12, and 13, and a portion of  
18 Lots 9-11 and 14, Section 2 of the plat of Harris County School Land  
19 Four Leagues as recorded in Volume 17, Page 222-223 of the Harris  
20 County Deed Records (H.C.D.R.) and being a part of a called 534.5455  
21 acre tract of land recorded in the name of Bud Adams Ranches, Inc.  
22 in Clerk's File (C.F.) No. N143996 of the Official Public Records  
23 of Real Property of Harris County (O.P.R.R.P.H.C.); said 528.9 acre  
24 tract being more particularly described by metes and bounds as  
25 follows (all bearings are referenced to the Texas Coordinate  
26 System, North American Datum of 1983 (NAD83), South Central Zone):

27       Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO

1 INC" set at the intersection of the southerly right-of-way line of  
2 Castle Road (width varies), the southerly 29 feet being established  
3 by said plat of Harris County School Lands Four Leagues and the  
4 easterly right-of-way line of Stokes Road (called 99 feet wide in  
5 said plat of Harris County School Land Four Leagues), and being on  
6 the northerly line of said 534.5455 acre tract, from which a 1-inch  
7 iron pipe found at the northwest corner of said 534.5455 acre tract  
8 bears South 87 degrees 44 minutes 32 seconds West, a distance of  
9 35.24 feet;

10 1. Thence, with the northerly line of said 534.5455 acre  
11 tract and the southerly right-of-way line of said Castle Road,  
12 North 87 degrees 44 minutes 32 seconds East, a distance of 5,372.87  
13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at  
14 the northeast corner of said 534.5455 acre tract, being at the  
15 intersection of the southerly right-of-way line of said Castle Road  
16 and the westerly right-of-way line of Binford Road (called 66 feet  
17 wide in aforesaid plat of Harris County School Land Four Leagues);

18 2. Thence, with the easterly line of said 534.5455 acre  
19 tract and the westerly right-of-way line of said Binford Road,  
20 South 02 degrees 50 minutes 23 seconds East, a distance of 3,550.58  
21 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at  
22 the most easterly southeast corner of said 534.5455 acre tract and  
23 the northeast corner of a called 2.7481 acre tract of land recorded  
24 in the name of Mark W. Patrick in C.F. No. V617308 of the  
25 O.P.R.R.P.H.C., from which a found 5/8-inch iron rod bears North 10  
26 degrees 36 minutes 46 seconds East, a distance of 11.53 feet;

27 3. Thence, with the southerly line of said 534.5455 acre

1 tract, the northerly line of said 2.7481 acre tract, the northerly  
2 line of a called 12.967 acre tract of land recorded in the name of  
3 David Allen Baskin in C.F. No. 20100430844 of the O.P.R.R.P.H.C.,  
4 the northerly line of the remainder of a called 13.210 acre tract of  
5 land recorded in the name of James Hurschel Thompson in C.F.  
6 No. G150745 of the O.P.R.R.P.H.C., the northerly line of a called  
7 6.6025 acre tract of land recorded in the name of Dianna Lynn Ward  
8 in C.F. No. N033932 of the O.P.R.R.P.H.C., and the northerly line  
9 of a called 64.683 acre tract of land recorded in the name of David  
10 Allen Baskin in said C.F. No. 20100430844 of the O.P.R.R.P.H.C.,  
11 South 87 degrees 41 minutes 53 seconds West, a distance of 3,037.38  
12 feet to a 5/8-inch iron rod found at an interior corner of said  
13 534.5455 acre tract and the northwest corner of said 64.683 acre  
14 tract;

15         4. Thence, with the easterly line of said 534.5455 acre  
16 tract and the westerly line of said 64.683 acre tract, South 02  
17 degrees 34 minutes 04 seconds East, a distance of 1,659.17 feet to a  
18 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the  
19 northerly right-of-way line of Vining Road (called 66 feet wide in  
20 aforesaid plat of Harris County School Land Four Leagues);

21         5. Thence, with the northerly right-of-way line of said  
22 Vining Road, South 87 degrees 35 minutes 44 seconds West, a distance  
23 of 918.76 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
24 INC" set;

25         6. Thence, continuing with the northerly right-of-way line  
26 of said Vining Road, South 87 degrees 23 minutes 41 seconds West, a  
27 distance of 1,433.80 feet to a 5/8-inch iron rod with cap stamped

1 "COSTELLO INC" set at the intersection of the northerly  
2 right-of-way line of said Vining Road and the easterly right-of-way  
3 line of aforesaid Stokes Road;

4 7. Thence, with the easterly right-of-way line of said  
5 Stokes Road, North 02 degrees 40 minutes 05 seconds West, a distance  
6 of 1,895.29 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
7 INC" set;

8 8. Thence, continuing with the easterly right-of-way line  
9 of said Stokes Road, North 02 degrees 29 minutes 23 seconds West, a  
10 distance of 2,393.31 feet to a 5/8-inch iron rod with cap stamped  
11 "COSTELLO INC" set;

12 9. Thence, continuing with the easterly right-of-way line  
13 of said Stokes Road, North 02 degrees 32 minutes 53 seconds West, a  
14 distance of 934.41 feet to the Point of Beginning and containing  
15 528.9 acres of land.

16 SECTION 3. (a) The legal notice of the intention to  
17 introduce this Act, setting forth the general substance of this  
18 Act, has been published as provided by law, and the notice and a  
19 copy of this Act have been furnished to all persons, agencies,  
20 officials, or entities to which they are required to be furnished  
21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
22 Government Code.

23 (b) The governor, one of the required recipients, has  
24 submitted the notice and Act to the Texas Commission on  
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act are fulfilled  
6 and accomplished.

7 SECTION 4. (a) If this Act does not receive a two-thirds  
8 vote of all the members elected to each house, Subchapter C, Chapter  
9 7997A, Special District Local Laws Code, as added by Section 1 of  
10 this Act, is amended by adding Section 7997A.0306 to read as  
11 follows:

12 Sec. 7997A.0306. NO EMINENT DOMAIN POWER. The district may  
13 not exercise the power of eminent domain.

14 (b) This section is not intended to be an expression of a  
15 legislative interpretation of the requirements of Section 17(c),  
16 Article I, Texas Constitution.

17 SECTION 5. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2023.