

By: Oliverson

H.B. No. 5347

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 597; granting a limited power of eminent domain; 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 7997A to read as follows:

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7997A.0101. 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 Harris County Municipal Utility District No. 597.

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

Sec. 7997A.0103. CONFIRMATION AND DIRECTOR 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.

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.