

By: Hegar

H.B. No. 3575

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Katy Towne Centre Development
3 District; providing authority to impose a tax and issue bonds.

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

5 SECTION 1. CREATION OF DISTRICT. (a) Katy Towne Centre
6 Development District is created as a special district under Section
7 52, Article III, Section 59, Article XVI, and Section 1-g, Article
8 VIII, Texas Constitution.

9 (b) The board by resolution may change the district's name.

10 SECTION 2. DECLARATION OF INTENT. (a) The creation of the
11 district is necessary to promote, develop, encourage, and maintain
12 transportation, safety, employment, commerce, housing, tourism,
13 recreation, arts, entertainment, economic development, and the
14 public welfare in the area of the district.

15 (b) The creation of the district is essential to accomplish
16 the purposes of Sections 52 and 52-a, Article III, Section 59,
17 Article XVI, and Section 1-g, Article VIII, Texas Constitution, and
18 other public purposes stated in this Act.

19 SECTION 3. DEFINITIONS. In this Act:

20 (1) "Board" means the board of directors of district.

21 (2) "District" means Katy Towne Centre Development
22 District.

23 SECTION 4. BOUNDARIES. The district includes all the
24 territory contained in the following described area:

1 BEING A 85.032 ACRE TRACT OF LAND OUT OF A CALLED 101.1282 ACRE
2 TRACT OF LAND RECORDED UNDER P-450993 IN THE CLERK'S FILE RECORDS OF
3 HARRIS COUNTY, TEXAS SAID 85.032 ACRE TRACT BEING OUT OF AND A PART
4 OF THE J.W. MCCUTCHEON SURVEY, ABSTRACT 1348, THE JESSE THOMPSON
5 SURVEY, ABSTRACT 393 AND THE JOHN MCKNIGHT SURVEY, ABSTRACT 292 IN
6 BOTH HARRIS COUNTY, TEXAS AND FORT BEND - COUNTY, TEXAS AND MORE
7 PARTICULARLY DESCRIBED AS FOLLOWS:

8 COMMENCING at a 1/2-inch iron rod found at the intersection of the
9 East right-of-way line of Pin Oak Road (varying width) with the
10 South right-of-way line of Roberts road (60.00 feet wide) said
11 1/2-inch iron rod also being the Northwest corner of a 20.00 acre
12 tract of land recorded under P-691302 of said Clerk's File Records
13 and being South 2° 12' 12" East 60.00 feet from Northwest corner of
14 said 101.1282 acre tract of land;

15 THENCE: South 2° 12' 12" East 733.78 feet along the East
16 right-of-way line of said Pin Oak Road and the West line of said
17 20.00 acre tract to a 1/2-inch iron rod found for the Southwest
18 corner of said 20.00 acre tract;

19 THENCE: North 87° 53' 02" East 20.00 feet along the South line of
20 said 20.00 acre tract to a 1/2-inch iron rod found and the POINT OF
21 BEGINNING of the description;

22 THENCE: North 87° 53' 02" East 1158.73 feet along the South line of
23 said 20.00 acre tract to a 1/2-inch iron rod found for the Southeast
24 corner of said 20.00 acre tract;

25 THENCE: North 2° 12' 36" West (called North 2° 12' 12" West), at
26 744.44 feet pass a 1/2-inch iron rod found for the Northeast corner
27 of said 20.00 acre tract in the South line of an easement conveyed

1 to the City of Katy, Texas recorded in Volume 7527, Page 201 of the
2 deed records of said Harris County, Texas, in all 804.44 feet to a
3 5/8-inch iron rod found in the North line of said easement for the
4 Southeast corner of a 0.529 acre tract of land recorded in Volume
5 7470, Page 50 of said deed records, said 5/8-inch iron rod being
6 North 87° 21' 57" East 982.55 feet from a 3/4-inch iron pipe found in
7 the center of Thomas Street for the Southeast corner of the J.J.
8 Crawford Survey, Abstract 205, the most Westerly Southwest corner
9 of the J.W. McCutcheon Survey, Abstract 1348, the most Northern
10 Northeast corner of the J. Thompson Survey, Abstract 393 also being
11 the Northwest corner of said easement conveyed to the City of Katy,
12 Texas in said Volume 7527, Page 201;

13 THENCE: North 1° 24' 18" West, at 280.95 feet pass the Northeast
14 corner of said 0.529 acre tract, in all 340.76 feet along the East
15 line of said 0.529 acre tract and along the East line of a 0.591 acre
16 tract, being the residue of a 1.161 acre tract of land recorded in
17 Volume 7274, Page 624 of said deed records to a 1/2-inch iron rod
18 found in the South right-of-way line of U.S. Highway 90;

19 THENCE: North 88° 51' 54" East 68.66 feet along the South
20 right-of-way line of said U.S. Highway 90 to a 3/4-inch iron rod
21 found at a point of curvature;

22 THENCE: 138.95 feet along the arc of a curve to the right, having a
23 radius of 5694.58 feet and a chord bearing North 89° 18' 18" East
24 138.95 feet to a 3/4-inch iron rod found at a point of tangency;

25 THENCE: South 89° 57' 12" East 136.24 feet along said South
26 right-of-way line to a 3/4-inch rod found;

27 THENCE: North 48° 33' 09" East 55.73 feet along said South

1 right-of-way line to a 2-inch iron pipe found for the Northwest
2 corner of Tucker's Lane (30 foot private road);

3 THENCE: North 86° 22' 18" East 30.39 feet along said South
4 right-of-way line to a 3/4-inch iron rod found for the Northeast
5 corner of said Tucker's Lane, the same being the Northwest corner of
6 a 1.8244 acre tract of land recorded in volume 3245, Page 21 of said
7 deed records;

8 THENCE: South 1° 31' 39" East 307.78 feet along the West line of said
9 1.8244 acre tract and the East line of said Tucker's Lane to a
10 3/4-inch pinched iron pipe found at an angle point;

11 THENCE: South 470° 11' 08" East, at 275.11 feet pass the Southeast
12 corner of said 1.8244 acre tract, the same being the Westerly most
13 Southwest of a 10.1451 acre tract of land recorded under L-041936 of
14 said Clerk's File Records, in all 1526.46 feet along the
15 Southwesterly line of said 1.8244 acre tract and the Southwesterly
16 line of said 10.1451 acre tract to a 1 1/2-inch iron pipe found for
17 the South corner of said 10.1451 acre tract in the North
18 right-of-way of Interstate Highway 10 Service Road;

19 THENCE: South 40° 52' 09" West 768.09 feet along the North
20 right-of-way line of said Interstate Highway 10 Service Road to a
21 concrete right-of-way monument found at a point of curvature;

22 THENCE: 955.70 feet along the arc of a curve to the right, having a
23 radius of 2704.79 feet and a chord bearing South 51° 02' 27" West
24 950.74 feet and along said North right-of-way line to a partly
25 demolished concrete right-of-way monument found at a point of
26 tangency;

27 THENCE: South 61° 43' 28" West 63.55 feet along said North

1 right-of-way line to a partly demolished concrete right-of-way
2 monument found at a point of curvature;
3 THENCE: 486.09 feet along the arc of a curve to the right, having a
4 radius of 532.96 feet and a chord bearing South 87° 10' 56" West
5 469.42 feet and along said North right-of-way line to a partly
6 demolished concrete right-of-way monument found at a point of
7 tangency;
8 THENCE: North 66° 32' 22" West at 87.54 feet pass 1/2-inch iron pipe
9 found, in all 153.14 feet along said North right-of-way-line to a
10 2-inch pipe found;
11 THENCE: North 66° 36' 10" West 91.30 feet along said North
12 right-of-way line to a concrete right-of-way monument found at a
13 point of curvature;
14 THENCE: 427.77 feet along the arc of a curve to the left, having a
15 radius of 605.16 feet and a chord bearing North 86° 28' 19" West
16 418.92 feet to a partly demolished concrete right-of-way monument
17 found;
18 THENCE: South 72° 53' 48" West 61.32 feet along said North
19 right-of-way line to a concrete right-of-way monument found for the
20 Southeast cut-back corner at the Pin Oak Road intersection;
21 THENCE: North 34° 47' 39" West 142.04 feet along the Southeast
22 cut-back line to a 1/2-inch iron rod found at the South corner of a
23 0.080 acre tract of land recorded under 9568797 of the Clerk's File
24 Records of said Fort Bend County, Texas;
25 THENCE: North 16° 32' 07" West 284.00 feet along the East line of
26 said 0.080 acre tract to a 1/2-inch iron rod found in the East line
27 of a 0.045 acre tract of land (Tract I) recorded under 9509640 of

1 said Clerk's File Records;

2 THENCE: North 2° 12' 12" West, at 76.96 feet pass a 1/2-inch iron rod
3 found for the Northeast corner of said 0.045 acre tract, the same
4 being the Southeast corner of a 0.357 (Tract II) acre tract of land
5 recorded under 9509640 of said Clerk's File Records, in all 854.65
6 feet along the East line of said 0.045 acre tract and the East line
7 of said 0.357 acre tract to the POINT OF BEGINNING, containing an
8 area of 85.032 acres of land.

9 The bearings recited herein are based on the East right-of-way line
10 of Pin Oak Road running North 2° 12' 12" West.

11 SAVE AND EXCEPT:

12 A tract of land containing 1.010 acres (44,000 square feet) out of
13 the Jesse Thompson Survey, Abstract No. 393, Fort Bend County,
14 Texas. Said 1.010-acre tract being a portion of an 85.032-acre
15 tract of land conveyed to Omega III Investment Company as recorded
16 under Harris County Clerk's File No. S269724, Film Code No.
17 511-38-2179 of the Official Public Records of Real Property in
18 Harris County, Texas. Said 1.010-acre tract being more particularly
19 described by metes and bounds as follows, with the
20 basis-of-bearings being the east right-of way line of Pin Oak Road
21 (width varies):

22 BEGINNING at a 5/8-inch iron rod found in the east right-of-way line
23 of said Pin Oak Road for the southwest corner of a 20.000-acre tract
24 of land conveyed to First Baptist Church, Katy, Texas as recorded
25 under Harris County Clerk's File No. P691302, Film Code No.
26 199-53-1913 of the Official Public Records of Real Property in
27 Harris County, Texas, for a northwest corner of said 85.032-acre

1 tract and the northwest corner of the tract herein described;
2 THENCE: North 87° 53' 02" East, along the south line of said
3 20.000-acre tract, along a north line of said 85.032-acre tract, a
4 distance of 220.00 feet to a 5/8-inch rod with cap (stamped "WEISSER
5 ENG. HOUSTON, TX") set in the south line of said 20.00-acre tract,
6 in a north line of said 85.032-acre tract for the northeast corner
7 of said tract herein described;

8 THENCE: South 02° 12' 12" East, leaving the south line of said
9 20.000-acre tract, leaving a north line of said 85.032-acre tract,
10 parallel to and 220.00 feet east of the east right-of-way line of
11 said Pin Oak Road, a distance of 200.00 feet to a 5/8-inch iron rod
12 with cap (stamped "WEISSER ENG. HOUSTON, TX") set for the southeast
13 corner of said tract herein described;

14 THENCE: South 87° 53' 02" West, parallel to and 200.00 feet south of
15 a north line of said 85.032-acre tract, a distance of 220.00 feet to
16 a 5/8-inch iron rod with cap (stamped "WEISSER ENG. HOUSTON, TX")
17 set in the east right-of-way line of said Pin Oak Road for the
18 southwest corner of said tract herein described;

19 THENCE: North 02° 12' 12" West, along the east right-of-way line of
20 said Pin Oak Road, a distance of 200.00 feet to the POINT OF
21 BEGINNING and containing 1.010 acres (44,000 square feet) of land.

22 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The boundaries
23 and field notes of the district form a closure. If a mistake is made
24 in the field notes or in copying the field notes in the legislative
25 process, the mistake does not affect the district's:

- 26 (1) organization, existence, or validity;
27 (2) right to issue any type of bond for the purposes for

1 which the district is created or to pay the principal of and
2 interest on a bond;

3 (3) right to impose or collect an assessment or tax; or

4 (4) legality or operation.

5 SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
6 district is created to serve a public use and benefit. All the land
7 and other property included in the district will be benefited by the
8 improvements and services to be provided by the district under
9 powers conferred by Sections 52 and 52-a, Article III, and Section
10 59, Article XVI, Texas Constitution, and other powers granted under
11 this Act.

12 (b) The creation of the district is in the public interest
13 and is essential to:

14 (1) further the public purposes of the development and
15 diversification of the economy of the state; and

16 (2) eliminate unemployment and underemployment and
17 develop or expand transportation and commerce.

18 (c) The district will:

19 (1) promote the health, safety, and general welfare of
20 residents, employers, employees, visitors, consumers in the
21 district, and the general public;

22 (2) provide needed funding to preserve, maintain, and
23 enhance the economic health and vitality of the district as a
24 community; and

25 (3) further promote the health, safety, welfare, and
26 enjoyment of the public by providing pedestrian ways and by
27 landscaping and developing certain areas in the district, which are

1 necessary for the restoration, preservation, and enhancement of
2 scenic beauty.

3 (d) Pedestrian ways along or across a street, whether at
4 grade or above or below the surface, and street lighting, street
5 landscaping, and street art objects are parts of and necessary
6 components of a street and are considered to be a street or road
7 improvement.

8 (e) The district will not act as the agent or
9 instrumentality of any private interest even though many private
10 interests will be benefited by the district, as will the general
11 public.

12 (f) It is hereby found that:

13 (1) the area within the district is unproductive,
14 underdeveloped or blighted;

15 (2) development or redevelopment would not occur
16 solely through private investment in the reasonably foreseeable
17 future;

18 (3) the area within the district substantially arrests
19 and impairs the sound growth of the City of Katy, Texas, retards the
20 provision of housing accommodations, and constitutes an economic
21 and social liability and is a menace to the public health, safety,
22 morals, and welfare in its present condition and use; and

23 (4) the area within the district is predominantly open
24 and, because of obsolete platting, deterioration of structures or
25 site improvements, or other factors, substantially impairs or
26 arrest the sound growth of the City of Katy, Texas.

27 (g) Notwithstanding any law to the contrary, all or any part

1 of the area of the district is eligible to be included in a tax
2 incremental reinvestment zone created by the municipality under
3 Chapter 311, Tax Code.

4 SECTION 7. POWERS OF DISTRICT. (a) The district has all of
5 the powers and authority provided by the general laws of this state
6 on road districts and road utility districts created under Section
7 52, Article III, Texas Constitution, and on conservation and
8 reclamation districts and municipal management districts created
9 under Section 59, Article XVI, Texas Constitution, including:

- 10 (1) Chapters 257 and 441, Transportation Code;
11 (2) Chapter 375, Local Government Code; and
12 (3) Chapters 54 and 49, Water Code.

13 (b) The district may impose ad valorem taxes, assessments,
14 and impact fees and apply the proceeds of the taxes, assessments or
15 impact fees to the payment of debt, to contract payments, or to
16 maintenance and operating expenses.

17 (c) This Act shall be liberally construed in conformity with
18 the legislative findings and purposes set forth in this Act.

19 (d) If any provision of the general law is in conflict with
20 this Act, this Act prevails. Any general law which supplements the
21 power and authority of the district, to the extent not in conflict
22 or inconsistent with the Act, is adopted and incorporated by
23 reference.

24 SECTION 8. BOARD OF DIRECTORS. (a) The district is
25 governed by a board of five directors which shall serve staggered
26 terms of four years.

27 (b) Directors shall be appointed by the City Council of the

1 City of Katy. A vacancy in the office of director shall be filled by
2 the remaining members of the board.

3 (b) Section 49.052, Water Code, and Section 375.063, Local
4 Government Code, do not apply to directors of the district.

5 SECTION 9. AGREEMENTS: GENERAL; GIFTS, INTERLOCAL
6 AGREEMENTS, AND LAW ENFORCEMENT SERVICES. (a) The district may
7 make an agreement with or accept a gift, grant, or loan from any
8 person.

9 (b) The implementation of a project is a governmental
10 function or service for the purposes of Chapter 791, Government
11 Code.

12 (c) To protect the public interest, the district may
13 contract with a municipality or county to provide law enforcement
14 services in the district for a fee.

15 SECTION 10. ELECTIONS. (a) The district shall hold an
16 election in the manner provided by Chapters 54 and 49, Water Code,
17 to obtain voter approval before the district imposes a maintenance
18 tax or issues bonds payable from ad valorem taxes.

19 (b) The board may include more than one purpose in a single
20 proposition at an election.

21 SECTION 11. MAINTENANCE TAX. (a) If authorized at an
22 election held in accordance with Section 10, the district may
23 impose and collect an annual ad valorem tax on taxable property in
24 the district for the purposes of the district, including the
25 maintenance and operation of the district and the improvements
26 constructed or acquired by the district or for the provision of
27 services.

1 (b) The board shall determine the tax rate.

2 SECTION 12. ASSESSMENTS. (a) The board may impose and
3 collect an assessment for any purpose authorized by this Act.

4 (b) The board may not finance a service or improvement
5 project through assessments under this Act unless a written
6 petition requesting the improvement or service has been filed with
7 the board. The petition must be signed by:

8 (1) the owners of a majority of the assessed value of
9 real property in the district that will be subject to the assessment
10 as determined by the most recent certified county property tax
11 rolls; or

12 (2) at least 25 persons who own land in the district
13 that will be subject to the assessment, if there are more than 25
14 persons who own property in the district that will be subject to the
15 assessment as determined by the most recent certified county
16 property tax rolls.

17 (c) Assessments, including assessments resulting from an
18 addition to or correction of the assessment roll by the district,
19 reassessments, penalties and interest on an assessment or
20 reassessment, expenses of collection, and reasonable attorney's
21 fees incurred by the district:

22 (1) are a first and prior lien against the property
23 assessed;

24 (2) are superior to any other lien or claim other than
25 a lien or claim for county, school district, or municipal ad valorem
26 taxes; and

27 (3) are the personal liability of and charge against

1 the owners of the property even if the owners are not named in the
2 assessment proceedings.

3 (d) The lien is effective from the date of the resolution of
4 the board imposing the assessment until the assessment is paid. The
5 board may enforce the lien in the same manner that the board may
6 enforce an ad valorem tax lien against real property.

7 SECTION 13. TAX INCREMENT FINANCING POWERS. (a) Without
8 further authorization or procedural requirement and
9 notwithstanding other statutory criteria, the district is a tax
10 increment reinvestment zone authorized by Chapter 311, Tax Code.

11 (b) The district will have all powers conferred under
12 Chapter 311, Tax Code.

13 (c) The district may enter into interlocal agreements with
14 any overlapping taxing entity for the payment of all or a portion of
15 the tax increment of the entity to the district and the overlapping
16 taxing entities are authorized to enter into such agreements.

17 (d) The base year value of the district, for tax increment
18 financing purposes, is the value as of January 1, 2003, of all
19 taxable real property in the district as shown on the certified tax
20 rolls of the central appraisal district.

21 SECTION 14. BONDS. (a) The district may issue bonds or
22 other obligations payable in whole or in part from ad valorem taxes,
23 assessments, impact fees, revenues, grants, or other money of the
24 district, or any combination of those sources of money, to pay for
25 any authorized purpose of the district.

26 (b) Bonds or other obligations of the district may be issued
27 in the form of bonds, notes, certificates of participation,

1 including other instruments evidencing a proportionate interest in
2 payments to be made by the district, or other obligations that are
3 issued in the exercise of the district's borrowing power and may be
4 issued in bearer or registered form or not represented by an
5 instrument but the transfer of which is registered on books
6 maintained by or on behalf of the district.

7 SECTION 15. INITIAL DIRECTORS. (a) The initial board
8 consists of the following persons:

9 Name of Director
10 _____
11 _____
12 _____
13 _____
14 _____

15 (b) Of the initial directors, the terms of the first three
16 directors named in subsection (a) expire on May 6, 2006, and the
17 terms of the last two directors named in subsection (a) expire on
18 May 1, 2004.

19 (d) This section expires September 1, 2006.

20 SECTION 16. The legislature finds that:

21 (1) proper and legal notice of the intention to introduce
22 this Act, setting forth the general substance of this Act, has been
23 published as provided by law, and the notice and a copy of this Act
24 have been furnished to all persons, agencies, officials, or
25 entities to which they are required to be furnished by the
26 constitution and laws of this state, including the governor, who
27 has submitted the notice and Act to the Texas Commission on

1 Environmental Quality;

2 (2) the Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor,
4 lieutenant governor, and speaker of the house of representatives
5 within the required time;

6 (3) the general law relating to consent by political
7 subdivisions to the creation of districts with conservation,
8 reclamation, and road powers and the inclusion of land in those
9 districts has been complied with; and

10 (4) all requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act have been
13 fulfilled and accomplished.

14 SECTION 17. This Act takes effect immediately if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for immediate
18 effect, this Act takes effect September 1, 2003.