

By: Jackson

S.B. No. 18

A BILL TO BE ENTITLED

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AN ACT

relating to the creation and authority of the Baybrook Management District; providing authority to impose taxes and issue bonds.

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

SECTION 1. CREATION OF DISTRICT. (a) The Baybrook Management District is a special district created under Section 59, Article XVI, Texas Constitution.

(b) The board by resolution may change the name of the district.

SECTION 2. DEFINITIONS. In this Act:

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

(2) "District" means the Baybrook Management District.

SECTION 3. DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this Act.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the area of the district.

(c) The creation of the district and this legislation may

1 not be interpreted to relieve Harris County or the City of Houston
2 from providing the level of services provided, as of the effective
3 date of this Act, to the area in the district. The district is
4 created to supplement and not to supplant the county or city
5 services provided in the area in the district.

6 (d) By creating the district and in authorizing the City of
7 Houston, Harris County, and other political subdivisions to
8 contract with the district, the legislature has established a
9 program to accomplish the public purposes set out in Section 52-a,
10 Article III, Texas Constitution.

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

13 TRACT "B"
14 Being 620.202 acres of land, more or less, out of the August
15 Whitlock Survey, A-793, the Robert Wilson League, A-88, and the
16 Thomas Choate League, A-12, Harris County, Texas, and being more
17 particularly described by metes and bounds as follows:

18 BEGINNING at a point marked by a 1 inch galvanized iron pipe
19 at the intersection of the Southerly right-of-way line of Bay Area
20 Boulevard, 100 feet wide, with the West line of the August Whitlock
21 Survey, A-793, same being the East line of the Thomas Choate League,
22 A-12;

23 THENCE in an Easterly direction, along the Southerly
24 right-of-way line of Bay Area Boulevard, with a curve to the right
25 whose radius is 1950.00 feet and central angle is 3° 03' 28", a
26 distance of 104.07 feet to a 1 inch galvanized iron pipe at a point
27 of tangent;

1 THENCE North 77° 51' 10" East, continuing along the Southerly
2 right-of-way line of Bay Area Boulevard, a distance of 2905.63 feet
3 to a 1 inch galvanized iron pipe at a point for corner;

4 THENCE South 12° 08' 50" East, a distance of 23.00 feet to a
5 1 inch galvanized iron pipe at a point for re-entrant corner on the
6 Southerly right-of-way line of Bay Area Boulevard, as widened;

7 THENCE in an Easterly direction, along the Southerly
8 right-of-way line of Bay Area Boulevard, variable width, with a
9 curve to the left whose radius is 1505.69 feet, central angle is 13°
10 43' 34" and whose chord bears North 70° 59' 23" East, a distance,
11 measured along the arc of said curve, of 360.71 feet to a 1 inch
12 galvanized iron pipe at a point for the end of said curve;

13 THENCE North 77° 51' 10" East, continuing along the Southerly
14 right-of-way line of Bay Area Boulevard, a distance of 108.87 feet
15 to a 1 inch galvanized iron pipe at a point for corner on the
16 Westerly right-of-way line of the Bay Area Boulevard, Gulf Freeway
17 (U.S. 75/I.H. 45) interchange, same being on a Webster City Limit
18 line;

19 THENCE in a Southeasterly direction, along the Southwesterly
20 right-of-way line of the Bay Area Boulevard-Gulf Freeway
21 interchange, same being a Webster City Limit line with a curve to
22 the left whose radius is 495.59 feet, central angle is 45° 57' 02",
23 and whose chord bears South 66° 18' 41" East, a distance measured
24 along the arc of said curve, of 397.46 feet to a 5/8 inch iron rod
25 that marks a point for corner, said point being a re-entrant corner
26 for the Webster City Limits;

27 THENCE in a Southerly and Southeasterly direction, along a

1 West and Southwest line of the Webster City Limits, with a curve to
2 the left whose radius is 2640.00 feet, central angle is $76^{\circ} 39' 46''$,
3 and whose chord bears South $2^{\circ} 47' 37''$ East, a distance, measured
4 along the arc of said curve, of 3532.37 feet to a 5/8 inch iron rod
5 at a point for the end of said curve, said point being on a
6 Northeasterly line of the original Tract "B" of said Baybrook
7 Municipal Utility District No. 1;

8 THENCE South $41^{\circ} 07' 30''$ East, continuing along a Southwest
9 line of the Webster City Limits, a distance of 661.60 feet to a
10 point for corner;

11 THENCE South $48^{\circ} 49' 15''$ West, a distance of 1332.92 feet to
12 appoint for re-entrant corner;

13 THENCE South $41^{\circ} 11' 50''$ East, a distance of 660.00 feet to a
14 3/4 inch iron pipe at a point for corner;

15 THENCE $48^{\circ} 41' 45''$ West, a distance of 39.86 feet to a point on
16 the Northerly right-of-way line of State Highway F.M. 528, 100 feet
17 wide;

18 THENCE South $81^{\circ} 12' 45''$ West, along the Northerly
19 right-of-way line of State Highway F.M. 528, a distance of 3499.60
20 feet to a point for corner on the West line of the August Whitlock
21 Survey, A-793, same being the East line of the Thomas Choate League,
22 A-12;

23 THENCE North $3^{\circ} 11' 50''$ West, along the common line between
24 the August Whitlock Survey, A-793 and the Thomas Choate League,
25 A-12, a distance of 2661.94 feet to an angle point;

26 THENCE North $48^{\circ} 21' 30''$ West, a distance of 2046.25 feet to a
27 point for corner on the Southeasterly right-of-way line of Bay Area

1 Boulevard, 100 feet wide;

2 THENCE North 41° 37' 10" East, along the Southeasterly
3 right-of-way line of Bay Area Boulevard, a distance of 6.71 feet to
4 a point for re-entrant corner;

5 THENCE North 48° 26' 45" West, a distance of 2685.00 feet to a
6 1 inch galvanized iron pipe at a point for corner on the Southeast
7 right-of-way line of Webster Ranch Road;

8 THENCE North 41° 37' 10" East, along the Southeast
9 right-of-way line of Webster Ranch Road, a distance of 1290.19 feet
10 to a 1 inch galvanized iron pipe at a point for corner on the
11 Southwest right-of-way line of the 60 foot Beamer Road
12 right-of-way;

13 THENCE North 45° 18' 00" West along the southwest right-of-way
14 of Beamer Road, a distance of 1,756.94 feet to a corner;

15 THENCE North 44° 42' 00" East, to the northeast right-of-way
16 of Beamer Road to a capped 5/8" iron rod;

17 THENCE North 44° 42' 00" East, a distance of 1,769.79 feet to a
18 1 inch galvanized iron pipe at a point for corner;

19 THENCE North 57° 15' 00" East, a distance of 10.00 feet to a
20 1 inch galvanized iron pipe at a point for corner;

21 THENCE South 64° 35' 56" East, a distance of 2729.95 feet to a
22 1 inch galvanized iron pipe at a point for corner on the West line
23 of the August Whitlock Survey, A-794, same being the East line of
24 the Thomas Choate League, A-12, same being on a Westerly City of
25 Houston City Limit line;

26 THENCE South 3° 11' 50" East, along the East line of the Thomas
27 Choate League, A-12 and the West line of the August Whitlock Survey,

1 A-794, and the August Whitlock Survey, A-793, same being a Westerly
2 City of Houston City Limit line, a distance of 2214.95 feet to a
3 point for corner;

4 THENCE North 3° 11' 50" West along the east line of the Thomas
5 Choate League, A-12 and the west line of the August Whitlock Survey,
6 A-797, same being a westerly City of Houston City Limit Line, to a
7 point for corner on the Southwesterly right-of-way of the Gulf
8 Freeway, variable width;

9 THENCE in a Southeasterly direction, following the
10 Southwesterly right-of-way line of the Gulf Freeway, variable
11 width, to a 1 inch galvanized iron pipe to a point for corner on the
12 Southerly right-of-way line of Bay Area Boulevard, Gulf Freeway
13 interchange, same being a re-entrant corner for the Webster City
14 Limits;

15 THENCE South 28° 03' 42" East, a distance of 592.73 feet to a
16 1-1/2 inch iron pipe at a point for re-entrant corner on the West
17 line of the August Whitlock Survey, A-793, same being the East line
18 of the Thomas Choate League, A-12;

19 THENCE North 3° 11' 50" West, along the common line between
20 the Thomas Choate League, A-12 and the August Whitlock Survey,
21 A-793, a distance of 608.39 feet to the POINT OF BEGINNING and
22 containing 620.922 acres of land, more or less.

23 SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:
24 Being 0.720 acres of land, more or less, out of the August Whitlock
25 Survey, A-793, Harris County, Texas, and being that certain tract
26 of land conveyed to Harris County Municipal Utility District
27 No. 142 for Water Plant Site by deed filed under Harris County

1 County Clerk File No. E-967682 of the Official Public Records of
2 Real Property of Harris County, Texas, said 0.720 acre tract being
3 more particularly described by metes and bounds as follows:

4 COMMENCING at a point marked by a 5/8 inch iron rod on the
5 Southerly right-of-way line of Bay Area Boulevard, 100 feet wide,
6 said point being a Northeast corner of the original Tract "B" of
7 Baybrook Municipal Utility District No. 1 and a Northwest corner of
8 the 25.801 acre annexed tract;

9 THENCE South 12° 08' 50" East, a distance of 884.81 feet to a
10 point;

11 THENCE South 77° 51' 10" West, a distance of 40.00 feet to the
12 POINT OF BEGINNING, said point being the Northeast corner of said
13 0.720 acre tract;

14 THENCE South 12° 08' 50" East, along the East line of said
15 0.720 acre tract, a distance of 110.00 feet to the Southeast corner
16 of said 0.720 acre tract;

17 THENCE South 77° 51' 10" West, along the South line of said
18 0.720 acre tract, a distance of 285.00 feet to the Southwest corner
19 of said 0.720 acre tract;

20 THENCE North 12° 08' 50" West, along the West line of said
21 0.720 acre tract, a distance of 110.00 feet to the Northwest corner
22 of said 0.720 acre tract;

23 THENCE North 77° 51' 10" East, along the North line of said
24 0.720 acre tract, a distance of 285.00 feet to the POINT OF
25 BEGINNING and containing 0.720 acres of land, more or less.

26 TRACT "C"

27 Being 170.979 acres of land, more or less, in the August Whitlock

1 Survey, A-793, and the August Whitlock Survey, Harris County, Texas
2 and being more particularly described by metes and bounds as
3 follows:

4 BEGINNING at a point marked by a 1 inch galvanized iron pipe
5 on the Southeast right-of-way line of El Dorado Boulevard, 100 feet
6 wide, said point being the North end of a transition right-of-way
7 line between the Southeast right-of-way line of El Dorado Boulevard
8 and the Northeast right-of-way line of El Dorado Boulevard-Gulf
9 Freeway (U.S. 75/I.H. 45) interchange;

10 THENCE in a Northeasterly direction, along the Southeast
11 right-of-way line of said El Dorado Boulevard with a curve to the
12 right whose radius is 1550.00 feet, central angle is 16° 41' 14" and
13 whose chord bears North 56° 33' 47" East, a distance, measured along
14 the arch of said curve, of 451.43 feet to a point of reverse curve
15 marked by a 1 inch galvanized iron pipe;

16 THENCE in a Northeasterly direction, continuing along the
17 Southeast right-of-way line of El Dorado Boulevard with a curve to
18 the left whose radius is 1650.00 feet, central angle is 9° 06" 15"
19 and whose chord bears North 60° 21' 17" East, a distance, measured
20 along the arc of said curve, of 262.18 feet to a point for corner
21 marked by a 1 inch galvanized iron pipe on the Southwest
22 right-of-way line of a Houston Lighting & Power Company, 50 foot
23 Easement as described in deed recorded in Volume 2506, Page 424 of
24 the Deed Records of Harris County, Texas, same being the Northeast
25 right-of-way line of a Houston Lighting Power Company 50 foot
26 Easement as described in deed recorded in Volume 2942, Page 204 of
27 the Deed Records of Harris County, Texas;

1 THENCE South 42° 29' 40" East, along the common line between
2 the two said Houston Lighting & Power Company 50 foot Easements, a
3 distance of 5432.32 feet to a point for corner marked by a 5/8 inch
4 iron rod on the West line of the City of Webster City Limit line,
5 same being the East line of the August Whitlock Survey, A-793 and
6 further being the West line of the Robert Wilson League, A-88;

7 THENCE South 23° 18' 41" West, along the West line of the City
8 of Webster City Limit line, same being the East line of the August
9 Whitlock Survey, A-793 and further being the West line of the Robert
10 Wilson League, A-88, a distance of 920.47 feet to a point for corner
11 marked by a 5/8 inch iron rod on the North right-of-way line of Bay
12 Area Boulevard-Gulf Freeway interchange;

13 THENCE in a Westerly direction, along the North right-of-way
14 line of Bay Area Boulevard-Gulf Freeway interchange with a curve to
15 the left whose radius is 497.68 feet, central angle is 36° 59' 57"
16 and whose chord bears North 87° 34' 52" West, a distance, measured
17 along the arc of said curve, of 321.38 feet to a point of tangent
18 marked by a 1 inch galvanized iron pipe;

19 THENCE South 73° 55' 10" West, continuing along the North
20 right-of-way line of Bay Area Boulevard-Gulf Freeway interchange, a
21 distance of 138.15 feet to a point of tangent marked by a 5/8 inch
22 iron rod;

23 THENCE in a Westerly direction, continuing along the North
24 right-of-way line of Bay Area Boulevard-Gulf Freeway interchange
25 with a curve to the right whose radius is 362.04 feet and central
26 angle is 64° 18' 00", a distance of 406.30 feet to a point of tangent
27 marked by a 1 inch galvanized iron pipe on the Northeast

1 right-of-way line of Gulf Freeway, 300 feet wide;

2 THENCE North 41° 46' 50" West, along the Northeast
3 right-of-way line of Gulf Freeway, a distance of 4479.65 feet to a
4 point of curve marked by a 1 inch galvanized iron pipe, said point
5 being the Southeast end of El Dorado Boulevard-Gulf Freeway
6 interchange;

7 THENCE in a Northeasterly direction, along the East
8 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange
9 with a curve to the right whose radius is 362.04 feet and central
10 angle is 65° 00' 00", a distance of 410.72 feet to a point of tangent
11 marked by a 5/8 inch iron rod;

12 THENCE North 23° 13' 10" East, continuing along the East
13 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,
14 a distance of 131.97 feet to a point of curve marked by a 5/8 inch
15 iron rod;

16 THENCE in a Northerly direction, continuing along the East
17 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange
18 with a curve to the left whose radius is 497.68 feet and central
19 angle is 65° 00' 00", a distance of 564.60 feet to a point of tangent
20 marked by a 1 inch galvanized iron pipe;

21 THENCE North 41° 56' 50" West, along the Northeast
22 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,
23 a distance of 4.97 feet to an angle point marked by a 5/8 inch iron
24 rod, said point being the South end of a transition right-of-way
25 line between the Southeast right-of-way line of El Dorado Boulevard
26 and the Northeast right-of-way line of El Dorado Boulevard-Gulf
27 Freeway interchange;

1 THENCE North 18° 40' 20" West, along said transition
2 right-of-way line, a distance of 15.26 feet to the POINT OF
3 BEGINNING and containing 170.979 acres of land, more or less.

4 TRACT "D"

5 Being 33.377 acres of land, more or less, in the August Whitlock
6 Survey, A-794 and the August Whitlock Survey, A-797, Harris County,
7 Texas and being more particularly described by metes and bounds as
8 follows:

9 BEGINNING at a point marked by a 5/8 inch iron rod on the
10 Northwest right-of-way line of El Dorado Boulevard, 100 feet wide,
11 said point being the East end of a transition right-of-way line
12 between the Northwest right-of-way line of El Dorado Boulevard and
13 the Northeast right-of-way line of El Dorado Boulevard-Gulf
14 Freeway (U.S. 75/I.H. 45) interchange;

15 THENCE North 64° 53' 20" West, along said transition
16 right-of-way line, a distance of 15.26 feet to an angle point marked
17 by a 1 inch galvanized iron pipe on the Northeast right-of-way line
18 of El Dorado Boulevard-Gulf Freeway interchange;

19 THENCE North 41° 46' 50" West, along the Northeast
20 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,
21 a distance of 4.97 feet to a point of curve marked by a 1 inch
22 galvanized iron pipe.

23 THENCE in a Westerly direction, along the North right-of-way
24 line of El Dorado Boulevard-Gulf Freeway interchange with a curve
25 to the left whose radius is 497.68 feet and central angle is 65° 00'
26 00", a distance of 564.60 feet to a point of tangent marked by a 1
27 inch galvanized iron pipe;

1 THENCE South 73° 13' 10" West, continuing along the North
2 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,
3 a distance of 131.97 feet to a point of curve marked by a 1 inch
4 galvanized iron pipe;

5 THENCE in a Westerly direction, continuing along the North
6 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange
7 with a curve to the right whose radius is 362.04 feet and central
8 angle is 1° 24' 42", a distance of 8.92 feet to a point for corner
9 marked by a 5/8 inch iron rod on the Northeast line of the City of
10 Houston City Limit line;

11 THENCE North 41° 46' 50" West, along the City of Houston City
12 Limit line, a distance of 208.54 feet to a point for corner marked
13 by a 5/8 inch iron rod on the West line of the August Whitlock
14 Survey, A-794, same being the East line of the Thomas Choate League,
15 A-12;

16 THENCE North 3° 11' 50" West, along the East line of the City
17 of Houston City Limit line, same being the West line of the August
18 Whitlock Survey, A-794, further being the East line of the Thomas
19 Choate League, A-12, and continuing with the West line of the August
20 Whitlock Survey, A-797, a distance of 1752.72 feet to a point for
21 corner marked by a 3/4 inch iron pipe on the Southwest right-of-way
22 line of a Houston Lighting & Power Company 50 foot Easement as
23 described in deed recorded in Volume 2506, Page 424 of the Deed
24 Records of Harris County, Texas, same being the Northeast
25 right-of-way line of Houston Lighting & Power Company 50 foot
26 Easement as described in deed recorded in Volume 2942, Page 204 of
27 the Deed Records of Harris County, Texas;

1 THENCE South 42° 29' 40" East, along the common line between
2 the two said Houston Lighting & Power Company 50 foot Easements, a
3 distance of 2227.72 feet to a point for corner marked by a 5/8 inch
4 iron rod on the Northwest right-of-way line of El Dorado Boulevard;

5 THENCE in Southwesterly direction, along the Northwest
6 right-of-way line of El Dorado Boulevard with a curve to the right
7 whose radius is 1550.00 feet, central angle is 8° 33' 53" and whose
8 chord bears South 60° 37' 28" West, a distance, measured along the
9 arc of said curve of 231.70 feet to a point of reverse curve marked
10 by a 1 inch galvanized iron pipe;

11 THENCE in a Southwesterly direction, continuing along the
12 Northwest right-of-way line of El Dorado Boulevard with a curve to
13 the left whose radius is 1650.00 feet, central angle is 16° 41' 14"
14 and whose chord bears South 56° 33' 47" West, a distance, measured
15 along the arc of said curve, of 480.56 feet to the POINT OF
16 BEGINNING and containing 33.377 acres of land, more or less.

17 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The boundaries
18 and field notes of the district form a closure. If a mistake is made
19 in the field notes or in copying the field notes in the legislative
20 process, the mistake does not in any way affect the district's:

21 (1) organization, existence, or validity;

22 (2) right to issue any type of bond for a purpose for
23 which the district is created or to pay the principal of and
24 interest on a bond;

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

26 (4) legality or operation.

27 SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1 (a) The district is created to serve a public use and benefit. All
2 the land and other property included in the district will be
3 benefited by the improvements and services to be provided by the
4 district under powers conferred by Sections 52 and 52-a, Article
5 III, and Section 59, Article XVI, Texas Constitution, and other
6 powers granted under this Act.

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

9 (1) further the public purposes of development and
10 diversification of the economy of the state; and

11 (2) eliminate unemployment and underemployment and
12 develop or expand transportation and commerce.

13 (c) The district will:

14 (1) promote the health, safety, and general welfare of
15 residents, employers, employees, visitors, and consumers in the
16 district and the general public;

17 (2) provide needed funding to preserve, maintain, and
18 enhance the economic health and vitality of the district as a
19 community and business center; and

20 (3) further promote the health, safety, welfare, and
21 enjoyment of the public by providing pedestrian ways and by
22 landscaping and developing certain areas in the district, which are
23 necessary for the restoration, preservation, and enhancement of
24 scenic beauty.

25 (d) Pedestrian ways along or across a street, whether at
26 grade or above or below the surface, and street lighting, street
27 landscaping, and street art objects are parts of and necessary

1 components of a street and are considered to be a street or road
2 improvement.

3 (e) The district will not act as the agent or
4 instrumentality of any private interest even though many private
5 interests, as well as the general public, will be benefited by the
6 district.

7 SECTION 7. APPLICATION OF OTHER LAW. (a) Except as
8 otherwise provided by this Act, Chapter 375, Local Government Code,
9 applies to the district.

10 (b) Chapter 311, Government Code, applies to this Act.

11 SECTION 8. CONSTRUCTION OF ACT. This Act shall be liberally
12 construed in conformity with the findings and purposes stated in
13 this Act.

14 SECTION 9. BOARD OF DIRECTORS IN GENERAL. (a) Except as
15 provided by Subsection (c), the district is governed by a board of
16 five voting directors appointed under Section 10 and five nonvoting
17 directors as provided by Section 11.

18 (b) Voting directors serve staggered terms of four years,
19 with three directors' terms expiring June 1 of an odd-numbered year
20 and two directors' terms expiring June 1 of the following
21 odd-numbered year.

22 (c) The board may increase or decrease the number of
23 directors on the board by resolution provided that it is in the best
24 interest of the district to do so and that the board consists of not
25 fewer than five and not more than 15 directors.

26 SECTION 10. APPOINTMENT OF DIRECTORS. The mayor and
27 members of the governing body of the City of Houston shall appoint

1 voting directors from persons recommended by the board. A person is
2 appointed if a majority of the directors and the mayor vote to
3 appoint that person.

4 SECTION 11. NONVOTING DIRECTORS. (a) The following
5 persons shall serve as nonvoting directors:

6 (1) the directors of the following departments of the
7 City of Houston or their designees:

8 (A) parks and recreation;

9 (B) planning and development;

10 (C) public works; and

11 (D) civic center; and

12 (2) the City of Houston's chief of police.

13 (b) If an agency, department, or division described by
14 Subsection (a) is consolidated, renamed, or changed, the board may
15 appoint a director of the consolidated, renamed, or changed agency,
16 department, or division as a nonvoting director. If an agency,
17 department, or division described by Subsection (a) is abolished,
18 the board may appoint a representative of another agency,
19 department, or division that performs duties comparable to those
20 performed by the abolished entity.

21 (c) Nonvoting directors are not counted for the purposes of
22 establishing a quorum of the board.

23 SECTION 12. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

24 (a) Except as provided by this section:

25 (1) a director may participate in all board votes and
26 decisions; and

27 (2) Chapter 171, Local Government Code, governs

1 conflicts of interest for directors.

2 (b) Section 171.004, Local Government Code, does not apply
3 to the district. A director who has a substantial interest in a
4 business or charitable entity that will receive a pecuniary benefit
5 from a board action shall file a one-time affidavit declaring the
6 interest. An additional affidavit is not required if the
7 director's interest changes. After the affidavit is filed with the
8 board secretary, the director may participate in a discussion or
9 vote on that action if:

10 (1) a majority of the directors have a similar
11 interest in the same entity; or

12 (2) all other similar business or charitable entities
13 in the district will receive a similar pecuniary benefit.

14 (c) A director who is also an officer or employee of a public
15 entity may not participate in the discussion of or vote on a matter
16 regarding a contract with that public entity.

17 (d) For purposes of this section, a director has a
18 substantial interest in a charitable entity in the same manner that
19 a person would have a substantial interest in a business entity
20 under Section 171.002, Local Government Code.

21 SECTION 13. ADDITIONAL POWERS OF DISTRICT. The district
22 may exercise the powers given to:

23 (1) a corporation under Section 4B, Development
24 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
25 Statutes), including the power to own, operate, acquire, construct,
26 lease, improve, and maintain projects described by that section;
27 and

1 (2) a housing finance corporation under Chapter 394,
2 Local Government Code, to provide housing or residential
3 development projects in the district.

4 SECTION 14. AGREEMENTS; GRANTS. (a) The district may make
5 an agreement with or accept a gift, grant, or loan from any person.

6 (b) The implementation of a project is a governmental
7 function or service for the purposes of Chapter 791, Government
8 Code.

9 SECTION 15. LAW ENFORCEMENT SERVICES. To protect the
10 public interest, the district may contract with Harris County or
11 the City of Houston to provide law enforcement services in the
12 district for a fee.

13 SECTION 16. NONPROFIT CORPORATION. (a) The board by
14 resolution may authorize the creation of a nonprofit corporation to
15 assist and act on behalf of the district in implementing a project
16 or providing a service authorized by this Act.

17 (b) The board shall appoint the board of directors of a
18 nonprofit corporation created under this section. The board of
19 directors of the nonprofit corporation shall serve in the same
20 manner as the board of directors of a local government corporation
21 created under Chapter 431, Transportation Code.

22 (c) A nonprofit corporation created under this section has
23 the powers of and is considered for purposes of this Act to be a
24 local government corporation created under Chapter 431,
25 Transportation Code.

26 (d) A nonprofit corporation created under this section may
27 implement any project and provide any service authorized by this

1 Act.

2 SECTION 17. REQUIREMENTS FOR FINANCING SERVICES AND
3 IMPROVEMENTS. The board may not finance a service or improvement
4 project with assessments under this Act unless a written petition
5 requesting that improvement or service has been filed with the
6 board. The petition must be signed by:

7 (1) the owners of a majority of the assessed value of
8 real property in the district subject to assessment as determined
9 by the most recent certified tax appraisal roll for Harris County;
10 or

11 (2) at least 25 persons who own real property in the
12 district, if more than 25 persons own real property in the district
13 as determined by the most recent certified tax appraisal roll for
14 Harris County.

15 SECTION 18. ELECTIONS. (a) The district shall hold an
16 election in the manner provided by Subchapter L, Chapter 375, Local
17 Government Code, to obtain voter approval before the district
18 imposes a maintenance tax or issues bonds payable from ad valorem
19 taxes.

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

22 (c) Section 375.243, Local Government Code, does not apply
23 to the district.

24 SECTION 19. MAINTENANCE TAX. (a) If authorized at an
25 election held in accordance with Section 18, the district may
26 impose an annual ad valorem tax on taxable property in the district
27 for the maintenance and operation of the district and the

1 improvements constructed or acquired by the district or for the
2 provision of services.

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

4 SECTION 20. ASSESSMENTS. (a) The board by resolution may
5 impose and collect an assessment for any purpose authorized by this
6 Act.

7 (b) Assessments, including assessments resulting from an
8 addition to or correction of the assessment roll by the district,
9 reassessments, penalties and interest on an assessment or
10 reassessment, expenses of collection, and reasonable attorney's
11 fees incurred by the district:

12 (1) are a first and prior lien against the property
13 assessed;

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

17 (3) are the personal liability of and charge against
18 the owners of the property even if the owners are not named in the
19 assessment proceedings.

20 (c) The lien is effective from the date of the resolution of
21 the board imposing the assessment until the date the assessment is
22 paid. The board may enforce the lien in the same manner that the
23 board may enforce an ad valorem tax lien against real property.

24 (d) Without necessity of notice and hearing in the manner
25 required for additional assessments, the board may make corrections
26 to or deletions from the assessment roll provided that such
27 corrections or deletions do not increase the amount of assessment

1 of any parcel of land.

2 SECTION 21. UTILITIES. The district may not impose an
3 impact fee or assessment on the property, equipment, rights of way,
4 facilities, or improvements of an electric utility or a power
5 generation company as defined by Section 31.002, Utilities Code, a
6 gas utility as defined by Section 101.003 or 121.001, Utilities
7 Code, a telecommunications provider as defined by Section 51.002,
8 Utilities Code, or of a person that provides to the public cable
9 television or advanced telecommunications services. If the
10 district, in the exercise of the powers conferred on it by this Act,
11 requires or requests the relocation, rerouting, or removal of
12 electric, gas, water, sewer, communications, or other public
13 utilities, as defined by Sections 31.002, 101.003, 121.001, or
14 51.002, Utilities Code, the relocation, rerouting, or removal shall
15 be at the sole expense of the district.

16 SECTION 22. BONDS. (a) The district may issue bonds or
17 other obligations payable in whole or in part from ad valorem taxes,
18 assessments, impact fees, revenue, grants, or other money of the
19 district, or any combination of those sources of money, to pay for
20 any authorized purpose of the district.

21 (b) In exercising the district's borrowing power, the
22 district may issue a bond or other obligation in the form of a bond,
23 note, certificate of participation or other instrument evidencing a
24 proportionate interest in payments to be made by the district, or
25 other type of obligation.

26 SECTION 23. MUNICIPAL APPROVAL. (a) Except as provided by
27 Subsection (b), the district must obtain approval from the

1 governing body of the City of Houston for:

- 2 (1) the issuance of bonds for an improvement project;
- 3 (2) the plans and specifications of an improvement
4 project financed by the bonds; and
- 5 (3) the plans and specifications of a district
6 improvement project related to:
 - 7 (A) the use of land owned by the City of Houston;
 - 8 (B) an easement granted by the City of Houston;
 - 9 or
 - 10 (C) a right-of-way of a street, road, or highway.

11 (b) If the district obtains approval from the governing body
12 of the City of Houston for a capital improvements budget for a
13 period not to exceed five years, the district may finance the
14 capital improvements and issue bonds specified in the budget
15 without further approval from the City of Houston.

16 SECTION 24. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
17 OBLIGATIONS. Except as provided by Section 375.263, Local
18 Government Code, a municipality is not required to pay a bond, note,
19 or other obligation of the district.

20 SECTION 25. DISBURSEMENTS OR TRANSFERS OF MONEY. The board
21 by resolution shall establish the number of directors' signatures
22 and the procedure required for a disbursement or transfer of the
23 district's money.

24 SECTION 26. COMPETITIVE BIDDING LIMIT. Section 375.221,
25 Local Government Code, applies to the district only for a contract
26 that has a value greater than \$25,000.

27 SECTION 27. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH

1 OUTSTANDING DEBT. (a) The board may vote to dissolve a district
2 that has debt. If the vote is in favor of dissolution, the district
3 shall remain in existence solely for the limited purpose of
4 discharging its debts. The dissolution is effective when all debts
5 have been discharged.

6 (b) Section 375.264, Local Government Code, does not apply
7 to the district.

8 SECTION 28. INITIAL DIRECTORS. (a) The initial board
9 consists of the following persons:

10	Pos. No.	Name of Director
11	1	Stephen Pohl
12	2	C. Glen Crocker
13	3	Gene Satern
14	4	Willard Tredway
15	5	Connie Simmons

16 (b) Of the initial directors, the terms of directors
17 appointed for positions 1 through 3 expire June 1, 2005, and the
18 terms of directors appointed for positions 4 and 5 expire June 1,
19 2007.

20 (c) Section 10 does not apply to this section.

21 (d) This section expires September 1, 2007.

22 SECTION 29. TAX AND ASSESSMENT ABATEMENTS. Without further
23 authorization or other procedural requirement, the district may
24 grant, consistent with Chapter 312, Tax Code, an abatement for a tax
25 or assessment owed to the district.

26 SECTION 30. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
27 district may join and pay dues to an organization that enjoys

1 tax-exempt status under Sections 501(c)(3), (4), or (6), Internal
2 Revenue Code of 1986, as amended, and that performs services or
3 provides activities consistent with the furtherance of the purposes
4 of the district. An expenditure of public money for membership in
5 the organization is considered to further the purposes of the
6 district and to be for a public purpose.

7 SECTION 31. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

8 All or any part of the area of the district is eligible,
9 notwithstanding other statutory criteria, to be included in a tax
10 increment reinvestment zone created by the City of Houston under
11 Chapter 311, Tax Code, or included in a tax abatement reinvestment
12 zone created by the City of Houston under Chapter 312, Tax Code.
13 All or any part of the area of the district is also eligible to be
14 included in an enterprise zone created by the City of Houston under
15 Chapter 2303, Government Code.

16 SECTION 32. ECONOMIC DEVELOPMENT PROGRAMS. The district

17 may establish and provide for the administration of one or more
18 programs, including programs for making loans and grants of public
19 money and providing personnel and services of the district, to
20 promote state or local economic development and to stimulate
21 business and commercial activity in the district. The district has
22 all of the powers and authority of a municipality under Chapter 380,
23 Local Government Code.

24 SECTION 33. LEGISLATIVE FINDINGS. The legislature finds

25 that:

26 (1) proper and legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished by
4 the constitution and laws of this state, including the governor,
5 who has submitted the notice and Act to the Texas Commission on
6 Environmental Quality;

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

11 (3) the general law relating to consent by political
12 subdivisions to the creation of districts with conservation,
13 reclamation, and road powers and the inclusion of land in those
14 districts has been complied with; and

15 (4) all requirements of the constitution and laws of
16 this state and the rules and procedures of the legislature with
17 respect to the notice, introduction, and passage of this Act have
18 been fulfilled and accomplished.

19 SECTION 34. EFFECTIVE DATE. This Act takes effect
20 immediately if it receives a vote of two-thirds of all the members
21 elected to each house, as provided by Section 39, Article III, Texas
22 Constitution. If this Act does not receive the vote necessary for
23 immediate effect, this Act takes effect September 1, 2003.