

By: Coleman

H.B. No. 3510

Substitute the following for H.B. No. 3510:

By: Puente

C.S.H.B. No. 3510

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of the Harris County Municipal Utility District No. 460; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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 8124 to read as follows:

CHAPTER 8124. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT

NO. 460

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8124.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the Harris County Municipal Utility District No. 460.

Sec. 8124.002. NATURE OF DISTRICT. The district is a municipal utility district in Harris County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8124.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8124.023 before September 1, 2007:

(1) the district is dissolved September 1, 2007,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of
4 debts shall be transferred to Harris County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2010.

9 Sec. 8124.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of
13 the Act creating this chapter form a closure. A mistake made in the
14 field notes or in copying the field notes in the legislative process
15 does not affect:

16 (1) the organization, existence, or validity of the
17 district;

18 (2) the right of the district to impose taxes;

19 (3) the validity of the district's bonds, notes, or
20 indebtedness; or

21 (4) the legality or operation of the district or the
22 board.

23 [Sections 8124.005-8124.020 reserved for expansion]

24 SUBCHAPTER A1. TEMPORARY PROVISIONS

25 Sec. 8124.021. TEMPORARY DIRECTORS. (a) On or after
26 September 1, 2005, a person who owns land in the district may submit
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the commission appoint as temporary directors the
2 five persons named in the petition.

3 (b) The commission shall appoint as temporary directors the
4 five persons named in the first petition received by the commission
5 under Subsection (a).

6 (c) If a temporary director fails to qualify for office, the
7 commission shall appoint a person to fill the vacancy.

8 (d) Temporary directors serve until the earlier of:

9 (1) the date directors are elected under Section
10 8124.023; or

11 (2) the date this chapter expires under Section
12 8124.003.

13 Sec. 8124.022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 49.055, Water Code, the
16 temporary directors shall meet at a location in the district
17 agreeable to a majority of the directors. If a location cannot be
18 agreed upon, the meeting shall be at the Harris County Courthouse.
19 At the meeting, the temporary directors shall elect officers from
20 among the temporary directors and conduct any other district
21 business.

22 Sec. 8124.023. CONFIRMATION AND INITIAL DIRECTORS'
23 ELECTION. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five directors as
25 provided by Section 49.102, Water Code.

26 Sec. 8124.024. INITIAL ELECTED DIRECTORS; TERMS. The
27 directors elected under Section 8124.023 shall draw lots to

1 determine which two shall serve until the first regularly scheduled
2 election of directors under Section 8124.052 and which three shall
3 serve until the second regularly scheduled election of directors.

4 Sec. 8124.025. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2010.

6 [Sections 8124.026-8124.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 8124.051. DIRECTORS; TERMS. (a) The district is
9 governed by a board of five directors.

10 (b) Directors serve staggered four-year terms.

11 Sec. 8124.052. ELECTION OF DIRECTORS. On the uniform
12 election date in May of each even-numbered year, the appropriate
13 number of directors shall be elected.

14 [Sections 8124.053-8124.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8124.101. MUNICIPAL UTILITY DISTRICT POWERS AND
17 DUTIES. The district has the powers and duties provided by the
18 general law of this state, including Chapters 49 and 54, Water Code,
19 applicable to municipal utility districts created under Section 59,
20 Article XVI, Texas Constitution.

21 Sec. 8124.102. ROAD PROJECTS. (a) To the extent authorized
22 by Section 52, Article III, Texas Constitution, the district may
23 construct, acquire, improve, maintain, or operate macadamized,
24 graveled, or paved roads or turnpikes, or improvements in aid of
25 those roads or turnpikes, inside the district.

26 (b) A road project must meet all applicable construction
27 standards, zoning and subdivision requirements, and regulatory

1 ordinances of the municipality or county in whose jurisdiction the
2 district is located.

3 (c) The district may not undertake a road project unless
4 each municipality or county in whose jurisdiction the district is
5 located consents by ordinance or resolution.

6 Sec. 8124.103. COMPLIANCE WITH MUNICIPAL CONSENT
7 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
8 54.016, Water Code, the district shall comply with all applicable
9 requirements of any ordinance or resolution adopted by the city
10 council of the City of Houston, including an ordinance or
11 resolution adopted before September 1, 2005, that consents to the
12 creation of the district or to the inclusion of lands within the
13 district.

14 Sec. 8124.104. LIMITATION ON USE OF EMINENT DOMAIN. The
15 district may exercise the power of eminent domain outside the
16 district only to acquire an easement necessary for a pipeline that
17 serves the district.

18 [Sections 8124.105-8124.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8124.151. TAX TO REPAY BONDS. The district may impose
21 a tax to pay the principal of or interest on bonds issued under
22 Section 8124.201.

23 [Sections 8124.152-8124.200 reserved for expansion]

24 SUBCHAPTER E. BONDS

25 Sec. 8124.201. AUTHORITY TO ISSUE BONDS AND OTHER
26 OBLIGATIONS. (a) The district may issue bonds or other obligations
27 as provided by Chapters 49 and 54, Water Code, to finance the

1 construction, maintenance, or operation of projects under Sections
2 8124.101 and 8124.102.

3 (b) The district may not issue bonds to finance projects
4 authorized by Section 8124.102 unless the issuance is approved by a
5 vote of a two-thirds majority of the voters of the district voting
6 at an election called for that purpose.

7 (c) Bonds or other obligations issued or incurred to finance
8 projects authorized by Section 8124.102 may not exceed one-fourth
9 of the assessed value of the real property in the district.

10 (d) Sections 49.181 and 49.182, Water Code, do not apply to
11 a project undertaken by the district under Section 8124.102 or to
12 bonds issued by the district to finance the project.

13 SECTION 2. The Harris County Municipal Utility District No.
14 460 initially includes all the territory contained in the following
15 area:

16 TRACT I:

17 BEING all of Lot 191 of Minnetex Place an addition in Harris
18 County, Texas according to the map or plat thereof recorded at
19 Volume 2, Page 57 of the Harris County Map Records (HCMR) situated
20 in the William J. Lovett Survey, Abstract No. 526;

21 BEGINNING at the northwest corner of Lot 191 in the south line
22 of Fuqua Street same being the northwest corner of Lot 192;

23 THENCE West along the south line of Fuqua Street, 655 feet
24 (Volume 2 Page 57 HCMR) to a point for the northeast corner of said
25 Lot 191 in the West right-of-way line of Myakawa Road;

26 THENCE 15° 20' E, 810.5 feet (calculated) along the west
27 right-of-way line of Myakawa Road to a point for the southeast

1 corner of this tract same being the northeast corner of Lot 255;

2 THENCE West 869.4 feet (Volume 2, Page 57 HCMR) along the
3 north line of Lots 255 and 254 to a point for the southwest corner of
4 Lot 191 same being the southeast corner of Lot 192;

5 THENCE North 781.6 feet (Volume 2, Page 57 HCMR) along the
6 common line of Lot 191 and 192 to PLACE OF BEGINNING and containing
7 14.08 acres of land.

8 TRACT II:

9 The East one-half of Block 192 of Minnetex Place Subdivision
10 as shown in Volume 2, Page 27, of the Map Records of Harris County,
11 Texas.

12 BEGINNING at a found iron rod for the Southeast corner of
13 said Block 192;

14 THENCE in a Northerly direction along the East line of said
15 Block 192 a distance of 780.30 feet to a found iron rod marking the
16 South line of Fuqua Street; and being a point for corner;

17 THENCE in a Westerly direction along the South line of Fuqua
18 Street; a distance of 270.60 feet to a point for corner;

19 THENCE in a Southerly direction along a line parallel to the
20 East line of said Block 192, a distance of 780.30 feet to a point for
21 corner, said point being on the South line of said Block 192;

22 THENCE in an Easterly direction along said line a distance of
23 270.60 feet to the Point of BEGINNING and containing 4.85 acres,
24 more or less.

25 TRACT III

26 BEING 6.500 acres of land out of and a part of Lot 192 and Lot
27 193 of Minnetex Place Subdivision, situated in the William J.

1 Lovett Abstract 526, according to the map or plat thereof record in
2 Volume 2, Page 57, Map Records, Harris County, Texas; said 6.500
3 acres more fully described as follows:

4 BEGINNING at a point in the centerline of Fuqua Road from
5 which a 5/8 inch iron rod set in the South line of Fuqua Road, lying
6 due West 81.18 feet and North 00° 33' 01" West, 0.98 feet from an old
7 iron pipe found on line between Lot 192 and said Lot 193;

8 THENCE due East with the centerline of Fuqua Road, at 81.18
9 feet pass the North common corner of Lots 192 and 193 from which an
10 old 1 1/2 inch iron pipe found bears South 00° 33' 01" East 25.00
11 feet, continuing in all a distance of 351.78 feet to a point for the
12 North common corner of the East one-half and the West one-half of
13 Lot 192;

14 THENCE South 00° 33' 01" East at 25.00 feet pass a 5/8 inch
15 iron rod set for reference in the South line of Fuqua Road,
16 continuing in all, a distance of 804.90 feet to a 5/8 inch iron rod
17 set for corner in the North line of Lot 253;

18 THENCE due West with the North line of Lot 253, at 269.97 feet
19 pass the South common corner of Lots 192 and 193 continuing in all,
20 a distance of 351.78 feet to a 5/8 inch iron rod set for corner, in
21 the North line of Lot 252;

22 THENCE North 00° 33' 01" West a distance of 804.90 feet to the
23 Place of Beginning containing 6.50 acres;

24 TRACT IV

25 BEING 6.500 acres of land out of and a part of Lot 193 of
26 Minnetex Place Subdivision, situated in the William J. Lovett
27 Survey Abstract 526, according to the map or plat thereof record in

1 Volume 2, Page 57, Map Records, Harris County, Texas; said 6.500
2 acres more fully described as follows:

3 BEGINNING at a point in the centerline of Fuqua Road from
4 which a 5/8 inch iron rod set in the South line of Fuqua Road, lying
5 due West 81.18 feet and North 00° 33' 01" West, 0.98 feet from an old
6 iron pipe found on line between Lot 192 and said Lot 193;

7 THENCE South 00° 33' 01" East a distance of 804.90 feet to a
8 5/8 inch iron rod set for corner in the North line of Lot 252;

9 THENCE due West with the North line of Lot 252, a distance of
10 351.78 feet to a 5/8 inch iron rod set for corner, from which a
11 railroad "X" tie for fence corner bears South 00° 33' 01" East, 23.62
12 feet;

13 THENCE North 00° 33' 01" West with the East line of a 2.000
14 acre tract, part of said Lot 193, at 779.90 feet pass a 5/8 inch iron
15 rod set for reference in the South line of Fuqua Road continuing in
16 all, a distance of 804.90 feet to a point for corner, in the
17 centerline of Fuqua Road; 5/8 inch iron rod set for corner in the
18 South line of Fuqua Road from which a chain link fence post bears
19 North 84° 34' 17" East, 6.9 feet and a railroad "X" tie for fence
20 corner post bears North 85° 41' 38" East, 8.9 feet;

21 THENCE due East with the centerline of Fuqua Road, a distance
22 of 351.78 feet to the Place of Beginning containing 6.500 acres.

23 TRACT V:

24 A tract or parcel of land containing 36.8116 acres of land
25 being all of lots 252, 253, 254, and 255 of Minnetex Place
26 Subdivision in the William J. Lovett Survey, Abstract 526 in Harris
27 County, Texas, according to the map or plat thereof recorded in

1 Volume 2, Page 57 of the Harris County Map Records, said 36.8116
2 acre tract of land being more particularly described by metes and
3 bounds as follows to-wit:

4 BEGINNING at a 5/8 inch iron rod set at the residual Southeast
5 corner of Lot 255 marking the intersection of the North
6 right-of-way line of Schurmier Road (50.00 ft. in width) and the
7 Southwesterly right-of-way line of Mykawa Road (60.00 ft. in width)
8 and the Southeast corner of the herein described 36.8116 acre
9 tract;

10 THENCE South 88 degrees 26 minutes 10 seconds West with the
11 North right-of-way line of Schurmier Road at a distance of 2162.38
12 ft. to a 5/8 inch iron rod set at the Southwest corner of the herein
13 described tract;

14 THENCE North 1 degree 22 minutes 58 seconds West with the
15 division line between Lots 251 and 252 and passing a 5/8 inch iron
16 rod at the Southeast corner of the William Shoff Estate tract at
17 2.19 ft. and following an old fence line a total distance of 779.59
18 ft. (called 779.9 ft.) to 1/2 inch iron rod found at a fence corner
19 marking the Northwest corner of Lot 252, the Northeast corner of Lot
20 251, the Southeast corner of Lot 194, and the Southwest corner of
21 Lot 193;

22 THENCE North 88 degrees 26 minutes 10 seconds East with the
23 division line between Lots 193 and 252, and 192 and 253, and 191 and
24 254 and 255 and with the South line of the Ada Sullivan tract and the
25 South line of the Texas A&M Development Foundation tracts a total
26 distance of 1952.78 ft. to a 5/8 inch iron rod marking the Northeast
27 corner of Lot 255 and the Southwest corner of Lot 191;

1 THENCE South 16 degrees 26 minutes 44 seconds East with the
2 Westerly right-of-way line of said Mykawa Road a distance of 806.48
3 ft. to the PLACE OF BEGINNING and containing 36.8116 acres of land.

4 TRACT VI

5 All that certain tract or parcel of land lying and being
6 situated in the County of Harris, State of Texas, in the W. J.
7 Lovett Survey, and described by metes and bounds as follows,
8 to-wit:

9 BEGINNING at the Northeast corner of the tract which is South
10 13 deg. 25' East 60 feet from the Southeast corner of Block R of the
11 Townsite of Mykawa, Texas, for description of which reference is
12 hereby made to Volume 2, Page 57, of the Map Records of Harris
13 County, Texas;

14 THENCE North 88 deg. 31' West 1507.1 feet to the Northwest
15 corner of this tract;

16 THENCE South 1 deg. 29' West 1554.7 feet to the Southwest
17 corner of this tract;

18 THENCE South 88 deg. 31' East 1920.8 feet to the West edge of
19 Mykawa and Pearland Road for the Southeast corner of this tract;

20 THENCE North 13 deg. 25' West 1615 feet to the place of
21 beginning, containing 61.1 acres of land, and being the same
22 property conveyed to E. G. Siadous by Peter Martin, et al, by Deed
23 dated February 1, 1928, recorded in Volume 734, Page 606 of the Deed
24 Records of Harris County, Texas.

25 SECTION 3. (a) The legal notice of the intention to
26 introduce this Act, setting forth the general substance of this
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,
2 officials, or entities to which they are required to be furnished
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4 Government Code.

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

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

12 (d) All requirements of the constitution and laws of this
13 state and the rules and procedures of the legislature with respect
14 to the notice, introduction, and passage of this Act are fulfilled
15 and accomplished.

16 SECTION 4. This Act takes effect September 1, 2005.