

By: Van Arsdale

H.B. No. 3584

Substitute the following for H.B. No. 3584:

By: Puente

C.S.H.B. No. 3584

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 465; 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 8157 to read as follows:

CHAPTER 8157. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT

NO. 465

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8157.001. 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. 465.

Sec. 8157.002. 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. 8157.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8157.023 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. 8157.004. 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; or

19 (3) the legality or operation of the board.

20 [Sections 8157.005-8157.020 reserved for expansion]

21 SUBCHAPTER A1. TEMPORARY PROVISIONS

22 Sec. 8157.021. TEMPORARY DIRECTORS. (a) On or after
23 September 1, 2005, a person who owns land in the district may submit
24 a petition to the Texas Commission on Environmental Quality to
25 appoint as temporary directors the five persons named in the
26 petition.

27 (b) The commission shall appoint as temporary directors the

1 five persons named in the first petition received by the commission
2 under Subsection (a).

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

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

6 (1) the date directors are elected under Section
7 8157.023; or

8 (2) the date this chapter expires under Section
9 8157.003.

10 Sec. 8157.022. ORGANIZATIONAL MEETING OF TEMPORARY
11 DIRECTORS. As soon as practicable after all the temporary
12 directors have qualified under Section 49.055, Water Code, the
13 temporary directors shall meet at a location in the district
14 agreeable to a majority of the directors. If a location cannot be
15 agreed upon, the meeting shall be at the Harris County Courthouse.
16 At the meeting, the temporary directors shall elect officers from
17 among the temporary directors and conduct any other district
18 business.

19 Sec. 8157.023. CONFIRMATION AND INITIAL DIRECTORS'
20 ELECTION. The temporary directors shall hold an election to
21 confirm the creation of the district and to elect five directors as
22 provided by Section 49.102, Water Code.

23 Sec. 8157.024. INITIAL ELECTED DIRECTORS; TERMS. The
24 directors elected under Section 8157.023 shall draw lots to
25 determine which two shall serve until the first regularly scheduled
26 election of directors under Section 8157.052 and which three shall
27 serve until the second regularly scheduled election of directors.

1 Sec. 8157.025. EXPIRATION OF SUBCHAPTER. This subchapter
2 expires September 1, 2010.

3 [Sections 8157.026-8157.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 8157.051. DIRECTORS; TERMS. (a) The district is
6 governed by a board of five directors.

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

8 Sec. 8157.052. ELECTION OF DIRECTORS. On the uniform
9 election date in May of each even-numbered year, the appropriate
10 number of directors shall be elected.

11 [Sections 8157.053-8157.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8157.101. 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. 8157.102. ROAD PROJECTS. (a) To the extent authorized
19 by Section 52, Article III, Texas Constitution, the district may
20 construct, acquire, improve, maintain, or operate macadamized,
21 graveled, or paved roads or turnpikes, or improvements in aid of
22 those roads or turnpikes, inside the district.

23 (b) A road project must meet all applicable construction
24 standards, zoning and subdivision requirements, and regulatory
25 ordinances of the municipality or county in whose jurisdiction the
26 district is located.

27 (c) The district may not undertake a road project unless

1 each municipality or county in whose jurisdiction the district is
2 located consents by ordinance or resolution.

3 Sec. 8157.103. COMPLIANCE WITH MUNICIPAL CONSENT
4 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
5 54.016, Water Code, the district shall comply with all applicable
6 requirements of any ordinance or resolution adopted by the city
7 council of the City of Houston, including an ordinance or
8 resolution adopted before September 1, 2005, that consents to the
9 creation of the district or to the inclusion of lands within the
10 district.

11 Sec. 8157.104. LIMITATION ON USE OF EMINENT DOMAIN. The
12 district may exercise the power of eminent domain outside the
13 district only to acquire an easement necessary for a pipeline that
14 serves the district.

15 [Sections 8157.105-8157.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8157.151. TAX TO REPAY BONDS. The district may impose
18 a tax to pay the principal of or interest on bonds issued under
19 Section 8157.201.

20 Sec. 8157.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
21 ASSESSMENTS. The district may not impose an impact fee or
22 assessment on the property, including the equipment,
23 rights-of-way, facilities, or improvements, of:

24 (1) an electric utility or a power generation company
25 as defined by Section 31.002, Utilities Code;

26 (2) a gas utility as defined by Section 101.003 or
27 121.001, Utilities Code;

1 (3) a telecommunications provider as defined by
2 Section 51.002, Utilities Code; or

3 (4) a person who provides to the public cable
4 television or advanced telecommunications services.

5 [Sections 8157.153-8157.200 reserved for expansion]

6 SUBCHAPTER E. BONDS

7 Sec. 8157.201. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. (a) The district may issue bonds or other obligations
9 as provided by Chapters 49 and 54, Water Code, to finance the
10 construction, maintenance, or operation of projects under Sections
11 8157.101 and 8157.102.

12 (b) The district may not issue bonds to finance projects
13 authorized by Section 8157.102 unless the issuance is approved by a
14 vote of a two-thirds majority of the voters of the district voting
15 at an election called for that purpose.

16 (c) Bonds or other obligations issued or incurred to finance
17 projects authorized by Section 8157.102 may not exceed one-fourth
18 of the assessed value of the real property in the district.

19 (d) Sections 49.181 and 49.182, Water Code, do not apply to
20 a project undertaken by the district under Section 8157.102 or to
21 bonds issued by the district to finance the project.

22 SECTION 2. The Harris County Municipal Utility District No.
23 465 initially includes all the territory contained in the following
24 area:

25 TRACT I:

26 FIELD NOTES FOR A 315.38 ACRE TRACT OF LAND, 156.84 ACRES OUT OF THE
27 W.B. MACOMER SURVEY, ABSTRACT 1528, BEING THE SOUTHWEST $\frac{1}{4}$ OF

1 SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY AND 158.54
2 ACRES OUT OF THE A. E. SPENCER SURVEY, ABSTRACT 1365, BEING THE
3 NORTHWEST $\frac{1}{4}$ OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY
4 SURVEY, HARRIS COUNTY, TEXAS.

5 BEGINNING at 1-1/4 inch Iron Pipe found on the North line of F. M.
6 Highway 529, said point being the Southeast corner and Place of
7 Beginning of the herein described 315.38 Acre Tract, said point
8 being located West 2639.44 feet and North 52 feet from the Southeast
9 corner of the H. & T. C. R.R. Company Survey, Section 76;

10 THENCE North along the East line of the W. B. Macomer Survey being a
11 part of the aforementioned H. & T. C. R.R. Company Survey Section
12 76, at 2588 feet pass a 5/8 inch Iron Rod set on said line at the
13 Northeast corner of the aforementioned W. B. Macomer Survey, same
14 being in the South line of the A. E. Spencer Survey, and continuing
15 for a total distance of 5204 feet to a 1-1/4 inch Iron Pipe set on
16 the South line of Longenbaugh Road for the Northeast corner of the
17 herein described 315.58 Acre Tract;

18 THENCE West along the South line of Longenbaugh Road, 2640 feet to a
19 1-1/4 inch Iron Pipe set in the West line of the H. & T. C. R.R.
20 Company Survey Section 76 for the Northwest corner of the herein
21 described 315.38 Acre Tract;

22 THENCE South along the West line of said Section 76, at 2616 feet
23 pass the Southwest corner of the A.E. Spencer Survey, being a part
24 of the aforementioned Section 76, same being the Northwest corner
25 of the W. B. Macomer Survey, being a part of the aforementioned
26 Section 76, and continuing for a total distance of 3204 feet to a
27 1-1/4 inch Iron Pipe set in the South line of F.M. Highway 529 for

1 the Southwest corner of the herein described 315.38 Acre Tract;
2 THENCE East along the South line of said F.M. Highway 529, 2640 feet
3 to the Place of BEGINNING and containing 315.38 acres of land.

4 TRACT II:

5 FIELD NOTES FOR A 19.768 ACRE TRACT OF LAND, BEING 9.77 ACRES OUT OF
6 THE C. BREEDING SURVEY, ABSTRACT 1467, AND 9.998 ACRES OUT OF THE L.
7 BREEDING SURVEY, ABSTRACT 1468, AND BEING IN THE SOUTHEAST $\frac{1}{4}$ OF
8 SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY, HARRIS
9 COUNTY, TEXAS.

10 BEGINNING at a $\frac{3}{4}$ inch Iron Pipe found on the West line of
11 Katy-Hockley Road at the Southeast corner and Place of Beginning of
12 the herein described 19.768 Acre Tract said point being located
13 North 1319.4 feet and West 30 feet from a Railroad Spike found at
14 the Southeast corner of Section 76 as located in the intersection of
15 F.M. Highway 529 and Katy-Hockley Road;

16 THENCE West along the common line of the L. Breeding Survey,
17 Abstract 1468, and the C. Breeding Survey, Abstract 1467, at
18 1289.44 feet pass the Southwest corner of the C. Breeding Survey,
19 same being a reentry corner to the L. Breeding Survey, and
20 continuing for a total distance of 2609.44 feet to a 1- $\frac{1}{4}$ inch Iron
21 Pipe found in the East line of the W. B. Macomer Survey for the
22 Southwest corner of the herein described 19.768 Acre Tract;

23 THENCE North along the East line of said W. B. Macomer Survey, same
24 being a West line of the L. Breeding Survey, 330 feet to a $\frac{5}{8}$ inch
25 Iron Rod set on said line for the Northwest corner of the herein
26 described 19.768 Acre Tract;

27 THENCE East along a line establishing the North line of the herein

1 described 19.768 Acre Tract; 2609.44 feet to a 5/8 inch Iron Rod set
2 in the West line of Katy-Hockley Road for the Northeast corner of
3 the herein described 19.768 Acre Tract of land;
4 THENCE south along the West line of said Katy-Hockley Road, 330 feet
5 to the Place of BEGINNING and containing 19.768 acres of land.

6 SECTION 3. (a) The legal notice of the intention to
7 introduce this Act, setting forth the general substance of this
8 Act, has been published as provided by law, and the notice and a
9 copy of this Act have been furnished to all persons, agencies,
10 officials, or entities to which they are required to be furnished
11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
12 Government Code.

13 (b) The governor, one of the required recipients, has
14 submitted the notice and Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed
17 its recommendations relating to this Act with the governor, the
18 lieutenant governor, and the speaker of the house of
19 representatives within the required time.

20 (d) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act are fulfilled
23 and accomplished.

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