

By: Ellis

S.B. No. 1884

A BILL TO BE ENTITLED

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 52, Article III, and 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 Sec. 8124.005. APPLICABILITY OF OTHER LAW. Except as
24 otherwise provided by this chapter, Chapters 49 and 54, Water Code,
25 apply to the district.

26 [Sections 8124.006-8124.020 reserved for expansion]

1 SUBCHAPTER A1. TEMPORARY PROVISIONS

2 Sec. 8124.021. TEMPORARY DIRECTORS. (a) On or after
3 September 1, 2005, a person who owns land inside the boundaries of
4 the district may petition the Texas Commission on Environmental
5 Quality to appoint as temporary directors the five persons listed
6 in the petition.

7 (b) The commission shall appoint as temporary directors the
8 persons listed in a petition received by the commission under
9 Subsection (a). If the commission receives more than one petition,
10 the commission shall appoint the directors listed in the first
11 petition the commission receives.

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

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

15 (1) the date directors are elected under Section
16 8124.023; or

17 (2) the date this chapter expires under Section
18 8124.003.

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

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

5 Sec. 8124.024. INITIAL ELECTED DIRECTORS; TERMS. The
6 directors elected under Section 8124.023 shall draw lots to
7 determine which two shall serve until the first regularly scheduled
8 election of directors under Section 8124.052 and which three shall
9 serve until the second regularly scheduled election of directors.

10 Sec. 8124.025. EXPIRATION OF SUBCHAPTER. This subchapter
11 expires September 1, 2010.

12 [Sections 8124.026-8124.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

20 [Sections 8124.053-8124.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8124.101. GENERAL POWERS. The district has all of the
23 rights, powers, privileges, authority, functions, and duties
24 provided by the general law of this state, including Chapters 49 and
25 54, Water Code, applicable to municipal utility districts created
26 under Section 59, Article XVI, Texas Constitution.

27 Sec. 8124.102. ROAD PROJECTS. The district may construct,

1 acquire, improve, maintain, or operate macadamized, graveled, or
2 paved roads or turnpikes, or improvements in aid of those roads or
3 turnpikes, inside or outside the district.

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

12 [Sections 8124.104-8124.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

17 [Sections 8124.152-8124.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 8124.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49 and 54, Water Code, to finance the
22 construction, maintenance, or operation of projects under Sections
23 8124.101 and 8124.102.

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

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

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

7 SECTION 2. The Harris County Municipal Utility District No.
8 460 initially includes all the territory contained in the following
9 area:

10 TRACT I:

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

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

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

20 THENCE 15° 20' E, 810.5 feet (calculated) along the west
21 right-of-way line of Myakawa Road to a point for the southeast
22 corner of this tract same being the northeast corner of Lot 255;

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

26 THENCE North 781.6 feet (Volume 2, Page 57 HCMR) along the
27 common line of Lot 191 and 192 to PLACE OF BEGINNING and containing

1 14.08 acres of land.

2 TRACT II:

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

6 BEGINNING at a found iron rod for the Southeast corner of
7 said Block 192;

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

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

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

16 THENCE in an Easterly direction along said line a distance of
17 270.60 feet to the Point of BEGINNING and containing 4.85 acres,
18 more or less.

19 TRACT III

20 BEING 6.500 acres of land out of and a part of Lot 192 and Lot
21 193 of Minnetex Place Subdivision, situated in the William J.
22 Lovett Abstract 526, according to the map or plat thereof record in
23 Volume 2, Page 57, Map Records, Harris County, Texas; said 6.500
24 acres more fully described as follows:

25 BEGINNING at a point in the centerline of Fuqua Road from
26 which a 5/8 inch iron rod set in the South line of Fuqua Road, lying
27 due West 81.18 feet and North 00° 33' 01" West, 0.98 feet from an old

1 iron pipe found on line between Lot 192 and said Lot 193;

2 THENCE due East with the centerline of Fuqua Road, at 81.18
3 feet pass the North common corner of Lots 192 and 193 from which an
4 old 1½ inch iron pipe found bears South 00° 33' 01" East 25.00 feet,
5 continuing in all a distance of 351.78 feet to a point for the North
6 common corner of the East one-half and the West one-half of Lot 192;

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

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

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

17 TRACT IV

18 BEING 6.500 acres of land out of and a part of Lot 193 of
19 Minnetex Place Subdivision, situated in the William J. Lovett
20 Survey Abstract 526, according to the map or plat thereof record in
21 Volume 2, Page 57, Map Records, Harris County, Texas; said 6.500
22 acres more fully described as follows:

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

27 THENCE South 00° 33' 01" East a distance of 804.90 feet to a

1 5/8 inch iron rod set for corner in the North line of Lot 252;

2 THENCE due West with the North line of Lot 252, a distance of
3 351.78 feet to a 5/8 inch iron rod set for corner, from which a
4 railroad "X" tie for fence corner bears South 00° 33' 01" East, 23.62
5 feet;

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

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

16 TRACT V:

17 A tract or parcel of land containing 36.8116 acres of land
18 being all of lots 252, 253, 254, and 255 of Minnetex Place
19 Subdivision in the William J. Lovett Survey, Abstract 526 in Harris
20 County, Texas, according to the map or plat thereof recorded in
21 Volume 2, Page 57 of the Harris County Map Records, said 36.8116
22 acre tract of land being more particularly described by metes and
23 bounds as follows to-wit:

24 BEGINNING at a 5/8 inch iron rod set at the residual Southeast
25 corner of Lot 255 marking the intersection of the North
26 right-of-way line of Schurmier Road (50.00 ft. in width) and the
27 Southwesterly right-of-way line of Mykawa Road (60.00 ft. in width)

1 and the Southeast corner of the herein described 36.8116 acre
2 tract;

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

7 THENCE North 1 degree 22 minutes 58 seconds West with the
8 division line between Lots 251 and 252 and passing a 5/8 inch iron
9 rod at the Southeast corner of the William Shoff Estate tract at
10 2.19 ft. and following an old fence line a total distance of 779.59
11 ft. (called 779.9 ft.) to a ½ inch iron rod found at a fence corner
12 marking the Northwest corner of Lot 252, the Northeast corner of Lot
13 251, the Southeast corner of Lot 194, and the Southwest corner of
14 Lot 193;

15 THENCE North 88 degrees 26 minutes 10 seconds East with the
16 division line between Lots 193 and 252, and 192 and 253, and 191 and
17 254 and 255 and with the South line of the Ada Sullivan tract and the
18 South line of the Texas A&M Development Foundation tracts a total
19 distance of 1952.78 ft. to a 5/8 inch iron rod marking the Northeast
20 corner of Lot 255 and the Southwest corner of Lot 191;

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

24 TRACT VI

25 All that certain tract or parcel of land lying and being
26 situated in the County of Harris, State of Texas, in the W. J.
27 Lovett Survey, and described by metes and bounds as follows,

1 to-wit:

2 BEGINNING at the Northeast corner of the tract which is South
3 13 deg. 25' East 60 feet from the Southeast corner of Block R of the
4 Townsite of Mykawa, Texas, for description of which reference is
5 hereby made to Volume 2, Page 57, of the Map Records of Harris
6 County, Texas;

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

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

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

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

18 SECTION 3. (a) The legal notice of the intention to
19 introduce this Act, setting forth the general substance of this
20 Act, has been published as provided by law, and the notice and a
21 copy of this Act have been furnished to all persons, agencies,
22 officials, or entities to which they are required to be furnished
23 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
24 Government Code.

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

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

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act are fulfilled
8 and accomplished.

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