

1-1 By: Lindsay S.B. No. 1888
1-2 (In the Senate - Filed April 28, 2005; April 29, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 4, 2005, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 4, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Harris County Municipal Utility
1-9 District No. 465; providing authority to impose a tax and issue
1-10 bonds; granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8157 to read as follows:

1-14 CHAPTER 8157. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT
1-15 NO. 465

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8157.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "Director" means a member of the board.

1-21 (3) "District" means the Harris County Municipal
1-22 Utility District No. 465.

1-23 Sec. 8157.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district in Harris County created under and
1-25 essential to accomplish the purposes of Section 52, Article III,
1-26 and Section 59, Article XVI, Texas Constitution.

1-27 Sec. 8157.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 8157.023 before September 1, 2007:

1-30 (1) the district is dissolved September 1, 2007,
1-31 except that:

1-32 (A) any debts incurred shall be paid;

1-33 (B) any assets that remain after the payment of
1-34 debts shall be transferred to Harris County; and

1-35 (C) the organization of the district shall be
1-36 maintained until all debts are paid and remaining assets are
1-37 transferred; and

1-38 (2) this chapter expires September 1, 2010.

1-39 Sec. 8157.004. INITIAL DISTRICT TERRITORY. (a) The
1-40 district is initially composed of the territory described by
1-41 Section 2 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of
1-43 the Act creating this chapter form a closure. A mistake made in the
1-44 field notes or in copying the field notes in the legislative process
1-45 does not affect:

1-46 (1) the organization, existence, or validity of the
1-47 district;

1-48 (2) the right of the district to impose taxes; or

1-49 (3) the legality or operation of the board.

1-50 [Sections 8157.005-8157.020 reserved for expansion]

1-51 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-52 Sec. 8157.021. TEMPORARY DIRECTORS. (a) On or after
1-53 September 1, 2005, a person who owns land in the district may submit
1-54 a petition to the Texas Commission on Environmental Quality to
1-55 appoint as temporary directors the five persons named in the
1-56 petition.

1-57 (b) The commission shall appoint as temporary directors the
1-58 five persons named in the first petition received by the commission
1-59 under Subsection (a).

1-60 (c) If a temporary director fails to qualify for office, the
1-61 commission shall appoint a person to fill the vacancy.

1-62 (d) Temporary directors serve until the earlier of:

1-63 (1) the date directors are elected under Section
1-64 8157.023; or

2-1 (2) the date this chapter expires under Section
2-2 8157.003.

2-3 Sec. 8157.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-4 DIRECTORS. As soon as practicable after all the temporary
2-5 directors have qualified under Section 49.055, Water Code, the
2-6 temporary directors shall meet at a location in the district
2-7 agreeable to a majority of the directors. If a location cannot be
2-8 agreed upon, the meeting shall be at the Harris County Courthouse.
2-9 At the meeting, the temporary directors shall elect officers from
2-10 among the temporary directors and conduct any other district
2-11 business.

2-12 Sec. 8157.023. CONFIRMATION AND INITIAL DIRECTORS'
2-13 ELECTION. The temporary directors shall hold an election to
2-14 confirm the creation of the district and to elect five directors as
2-15 provided by Section 49.102, Water Code.

2-16 Sec. 8157.024. INITIAL ELECTED DIRECTORS; TERMS. The
2-17 directors elected under Section 8157.023 shall draw lots to
2-18 determine which two shall serve until the first regularly scheduled
2-19 election of directors under Section 8157.052 and which three shall
2-20 serve until the second regularly scheduled election of directors.

2-21 Sec. 8157.025. EXPIRATION OF SUBCHAPTER. This subchapter
2-22 expires September 1, 2010.

2-23 [Sections 8157.026-8157.050 reserved for expansion]

2-24 SUBCHAPTER B. BOARD OF DIRECTORS

2-25 Sec. 8157.051. DIRECTORS; TERMS. (a) The district is
2-26 governed by a board of five directors.

2-27 (b) Directors serve staggered four-year terms.

2-28 Sec. 8157.052. ELECTION OF DIRECTORS. On the uniform
2-29 election date in May of each even-numbered year, the appropriate
2-30 number of directors shall be elected.

2-31 [Sections 8157.053-8157.100 reserved for expansion]

2-32 SUBCHAPTER C. POWERS AND DUTIES

2-33 Sec. 8157.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-34 DUTIES. The district has the powers and duties provided by the
2-35 general law of this state, including Chapters 49 and 54, Water Code,
2-36 applicable to municipal utility districts created under Section 59,
2-37 Article XVI, Texas Constitution.

2-38 Sec. 8157.102. ROAD PROJECTS. The district may construct,
2-39 acquire, improve, maintain, or operate macadamized, graveled, or
2-40 paved roads or turnpikes, or improvements in aid of those roads or
2-41 turnpikes, inside or outside the district.

2-42 Sec. 8157.103. COMPLIANCE WITH MUNICIPAL CONSENT
2-43 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
2-44 54.016, Water Code, the district shall comply with all applicable
2-45 requirements of any ordinance or resolution adopted by the city
2-46 council of the City of Houston, including an ordinance or
2-47 resolution adopted before September 1, 2005, that consents to the
2-48 creation of the district or to the inclusion of lands within the
2-49 district.

2-50 [Sections 8157.104-8157.150 reserved for expansion]

2-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-52 Sec. 8157.151. TAX TO REPAY BONDS. The district may impose
2-53 a tax to pay the principal of or interest on bonds issued under
2-54 Section 8157.201.

2-55 [Sections 8157.152-8157.200 reserved for expansion]

2-56 SUBCHAPTER E. BONDS

2-57 Sec. 8157.201. AUTHORITY TO ISSUE BONDS AND OTHER
2-58 OBLIGATIONS. (a) The district may issue bonds or other
2-59 obligations as provided by Chapters 49 and 54, Water Code, to
2-60 finance the construction, maintenance, or operation of projects
2-61 under Sections 8157.101 and 8157.102.

2-62 (b) The district may not issue bonds to finance projects
2-63 authorized by Section 8157.102 unless the issuance is approved by a
2-64 vote of a two-thirds majority of the voters of the district voting
2-65 at an election called for that purpose.

2-66 (c) Bonds or other obligations issued or incurred to finance
2-67 projects authorized by Section 8157.102 may not exceed one-fourth
2-68 of the assessed value of the real property in the district.

2-69 (d) Sections 49.181 and 49.182, Water Code, do not apply to

3-1 a project undertaken by the district under Section 8157.102 or to
 3-2 bonds issued by the district to finance the project.

3-3 SECTION 2. The Harris County Municipal Utility District No.
 3-4 465 initially includes all the territory contained in the following
 3-5 area:

3-6 TRACT I:

3-7 FIELD NOTES FOR A 315.38 ACRE TRACT OF LAND, 156.84 ACRES OUT OF THE
 3-8 W.B. MACOMER SURVEY, ABSTRACT 1528, BEING THE SOUTHWEST $\frac{1}{4}$ OF
 3-9 SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY AND 158.54
 3-10 ACRES OUT OF THE A. E. SPENCER SURVEY, ABSTRACT 1365, BEING THE
 3-11 NORTHWEST $\frac{1}{4}$ OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY
 3-12 SURVEY, HARRIS COUNTY, TEXAS.

3-13 BEGINNING at 1-1/4 inch Iron Pipe found on the North line of F. M.
 3-14 Highway 529, said point being the Southeast corner and Place of
 3-15 Beginning of the herein described 315.38 Acre Tract, said point
 3-16 being located West 2639.44 feet and North 52 feet from the Southeast
 3-17 corner of the H. & T. C. R.R. Company Survey, Section 76;

3-18 THENCE North along the East line of the W. B. Macomer Survey being a
 3-19 part of the aforementioned H. & T. C. R.R. Company Survey Section
 3-20 76, at 2588 feet pass a 5/8 inch Iron Rod set on said line at the
 3-21 Northeast corner of the aforementioned W. B. Macomer Survey, same
 3-22 being in the South line of the A. E. Spencer Survey, and continuing
 3-23 for a total distance of 5204 feet to a 1-1/4 inch Iron Pipe set on
 3-24 the South line of Longenbaugh Road for the Northeast corner of the
 3-25 herein described 315.58 Acre Tract;

3-26 THENCE West along the South line of Longenbaugh Road, 2640 feet to a
 3-27 1-1/4 inch Iron Pipe set in the West line of the H. & T. C. R.R.
 3-28 Company Survey Section 76 for the Northwest corner of the herein
 3-29 described 315.38 Acre Tract;

3-30 THENCE South along the West line of said Section 76, at 2616 feet
 3-31 pass the Southwest corner of the A.E. Spencer Survey, being a part
 3-32 of the aforementioned Section 76, same being the Northwest corner
 3-33 of the W. B. Macomer Survey, being a part of the aforementioned
 3-34 Section 76, and continuing for a total distance of 3204 feet to a
 3-35 1-1/4 inch Iron Pipe set in the South line of F.M. Highway 529 for
 3-36 the Southwest corner of the herein described 315.38 Acre Tract;

3-37 THENCE East along the South line of said F.M. Highway 529, 2640 feet
 3-38 to the Place of BEGINNING and containing 315.38 acres of land.

3-39 TRACT II:

3-40 FIELD NOTES FOR A 19.768 ACRE TRACT OF LAND, BEING 9.77 ACRES OUT OF
 3-41 THE C. BREEDING SURVEY, ABSTRACT 1467, AND 9.998 ACRES OUT OF THE L.
 3-42 BREEDING SURVEY, ABSTRACT 1468, AND BEING IN THE SOUTHEAST $\frac{1}{4}$ OF
 3-43 SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY, HARRIS
 3-44 COUNTY, TEXAS.

3-45 BEGINNING at a 3/4 inch Iron Pipe found on the West line of
 3-46 Katy-Hockley Road at the Southeast corner and Place of Beginning of
 3-47 the herein described 19.768 Acre Tract said point being located
 3-48 North 1319.4 feet and West 30 feet from a Railroad Spike found at
 3-49 the Southeast corner of Section 76 as located in the intersection of
 3-50 F.M. Highway 529 and Katy-Hockley Road;

3-51 THENCE West along the common line of the L. Breeding Survey,
 3-52 Abstract 1468, and the C. Breeding Survey, Abstract 1467, at
 3-53 1289.44 feet pass the Southwest corner of the C. Breeding Survey,
 3-54 same being a reentry corner to the L. Breeding Survey, and
 3-55 continuing for a total distance of 2609.44 feet to a 1-1/4 inch Iron
 3-56 Pipe found in the East line of the W. B. Macomer Survey for the
 3-57 Southwest corner of the herein described 19.768 Acre Tract;

3-58 THENCE North along the East line of said W. B. Macomer Survey, same
 3-59 being a West line of the L. Breeding Survey, 330 feet to a 5/8 inch
 3-60 Iron Rod set on said line for the Northwest corner of the herein
 3-61 described 19.768 Acre Tract;

3-62 THENCE East along a line establishing the North line of the herein
 3-63 described 19.768 Acre Tract; 2609.44 feet to a 5/8 inch Iron Rod set
 3-64 in the West line of Katy-Hockley Road for the Northeast corner of
 3-65 the herein described 19.768 Acre Tract of land;

3-66 THENCE south along the West line of said Katy-Hockley Road, 330 feet
 3-67 to the Place of BEGINNING and containing 19.768 acres of land.

3-68 SECTION 3. (a) The legal notice of the intention to
 3-69 introduce this Act, setting forth the general substance of this

4-1 Act, has been published as provided by law, and the notice and a
4-2 copy of this Act have been furnished to all persons, agencies,
4-3 officials, or entities to which they are required to be furnished
4-4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-5 Government Code.

4-6 (b) The governor, one of the required recipients, has
4-7 submitted the notice and Act to the Texas Commission on
4-8 Environmental Quality.

4-9 (c) The Texas Commission on Environmental Quality has filed
4-10 its recommendations relating to this Act with the governor, the
4-11 lieutenant governor, and the speaker of the house of
4-12 representatives within the required time.

4-13 (d) All requirements of the constitution and laws of this
4-14 state and the rules and procedures of the legislature with respect
4-15 to the notice, introduction, and passage of this Act are fulfilled
4-16 and accomplished.

4-17 SECTION 4. This Act takes effect September 1, 2005.

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