

By: Dutton

H.B. No. 3982

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 494; 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 8214 to read as follows:

CHAPTER 8214. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8214.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means Harris County Municipal Utility District No. 494.

Sec. 8214.002. 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. 8214.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8214.023 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that the district shall:

(A) pay any debts incurred;

1           (B) transfer to Harris County any assets that  
2 remain after the payment of debts; and

3           (C) maintain the organization of the district  
4 until all debts are paid and remaining assets are transferred; and

5           (2) this chapter expires September 1, 2014.

6           Sec. 8214.004. INITIAL DISTRICT TERRITORY. (a) The  
7 district is initially composed of the territory described by  
8 Section 2 of the Act creating this chapter.

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

13           (1) the organization, existence, or validity of the  
14 district;

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

16           (3) the validity of the district's bonds, notes, or  
17 indebtedness; or

18           (4) the legality or operation of the district or the  
19 board.

20           [Sections 8214.005-8214.020 reserved for expansion]

21           SUBCHAPTER A-1. TEMPORARY PROVISIONS

22           Sec. 8214.021. TEMPORARY DIRECTORS. (a) On or after  
23 September 1, 2007, a person who owns land in the district may submit  
24 a petition to the Texas Commission on Environmental Quality  
25 requesting that the commission appoint as temporary directors the  
26 five persons named in the 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 8214.023; or

8 (2) the date this chapter expires under Section  
9 8214.003.

10 Sec. 8214.022. 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. At the meeting, the  
15 temporary directors shall elect officers from among the temporary  
16 directors and conduct any other district business.

17 Sec. 8214.023. CONFIRMATION AND INITIAL DIRECTORS'  
18 ELECTION. The temporary directors shall hold an election to  
19 confirm the creation of the district and to elect five directors as  
20 provided by Section 49.102, Water Code.

21 Sec. 8214.024. INITIAL ELECTED DIRECTORS; TERMS. The  
22 directors elected under Section 8214.023 shall draw lots to  
23 determine which two shall serve until the first regularly scheduled  
24 election of directors and which three shall serve until the second  
25 regularly scheduled election of directors.

26 Sec. 8214.025. EXPIRATION OF SUBCHAPTER. This subchapter  
27 expires September 1, 2014.

1 [Sections 8214.026-8214.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8214.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five directors.

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

6 [Sections 8214.052-8214.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8214.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
9 DUTIES. The district has the powers and duties provided by the  
10 general law of this state, including Chapters 49 and 54, Water Code,  
11 applicable to municipal utility districts created under Section 59,  
12 Article XVI, Texas Constitution.

13 Sec. 8214.102. ROAD PROJECTS. (a) To the extent authorized  
14 by Section 52, Article III, Texas Constitution, the district may  
15 construct, acquire, improve, maintain, or operate macadamized,  
16 graveled, or paved roads or turnpikes, or improvements in aid of  
17 those roads or turnpikes, inside the district.

18 (b) A road project must meet all applicable construction  
19 standards, zoning and subdivision requirements, and regulations of  
20 each municipality in whose corporate limits or extraterritorial  
21 jurisdiction the district is located. If the district is not  
22 located in the corporate limits or extraterritorial jurisdiction of  
23 a municipality, a road project must meet all applicable  
24 construction standards, zoning and subdivision requirements, and  
25 regulations of each county in which the district is located.

26 (c) The district may not undertake a road project unless  
27 each municipality in whose corporate limits or extraterritorial

1 jurisdiction the district is located consents by resolution.

2 Sec. 8214.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
3 RESOLUTIONS. The district shall comply with all applicable  
4 requirements of any ordinance or resolution adopted by the  
5 governing body of the City of Houston.

6 Sec. 8214.104. EFFECT OF ANNEXATION BY CITY OF HOUSTON. If,  
7 before the date of the confirmation election, the City of Houston  
8 annexes into its corporate limits all territory described by the  
9 Act creating this chapter, Section 43.075, Local Government Code,  
10 does not apply to the district.

11 [Sections 8214.105-8214.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 8214.151. TAX TO REPAY BONDS. The district may impose  
14 a tax to pay the principal of or interest on bonds or other  
15 obligations issued under Section 8214.201.

16 Sec. 8214.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
17 ASSESSMENTS. The district may not impose an impact fee or  
18 assessment on the property, including the equipment,  
19 rights-of-way, facilities, or improvements, of:

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

22 (2) a gas utility as defined by Section 101.003 or  
23 121.001, Utilities Code;

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

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

1 [Sections 8214.153-8214.200 reserved for expansion]

2 SUBCHAPTER E. BONDS

3 Sec. 8214.201. AUTHORITY TO ISSUE BONDS AND OTHER  
4 OBLIGATIONS. (a) The district may issue bonds or other obligations  
5 as provided by Chapters 49 and 54, Water Code, to finance the  
6 construction, maintenance, or operation of a project under Section  
7 8214.101 or 8214.102.

8 (b) The district may not issue bonds or other obligations to  
9 finance projects authorized by Section 8214.102 unless the issuance  
10 is approved by a vote of a two-thirds majority of the district  
11 voters voting at an election called for that purpose.

12 (c) Bonds or other obligations issued or incurred to finance  
13 projects authorized by Section 8214.102 may not exceed one-fourth  
14 of the assessed value of the real property in the district.

15 SECTION 2. The Harris County Municipal Utility District No.  
16 494 includes all the territory contained in the following area:

17 TRACT ONE:

18 Being a 267.01 acre (11,630,986 square feet) parcel situated in the  
19 David Harris Survey, A-26, Harris County, Texas, being all of a  
20 called 165.928 acre tract conveyed to Frank J. Dimara, Victor M.  
21 Manon, Ursula Quentel, and James S. Henson, Jr. by Special Warranty  
22 Deed with Vendor's Lien by Clerk's File No. S740603 of the Harris  
23 County Official Public Records of Real Property, said parcel being  
24 more particularly described by metes and bounds as follows with all  
25 bearings based on Texas State Plane South Central Zone;

26 BEGINNING, at a 3/8-inch iron rod found in the southeasterly right  
27 of way line of the B.S.L. & W. Railroad, in the north line of a tract

1 described as the "Second Tract" by Deed recorded under Clerk's File  
2 No. F946397 of the Harris County Official Public Records of Real  
3 Property, for the southwest corner of said 165.928 acre tract and  
4 the herein described parcel beginning a curve to the right;

5 THENCE, along the arc of said curve to the right having a radius of  
6 4699.74 feet, an arc length of 3187.30 feet, through a delta of  
7  $38^{\circ}51'26''$ , and a chord bearing North  $63^{\circ}21'18''$  East, 3126.56 feet to  
8 a 5/8-inch iron rod set with cap (stamped "Montgomery and  
9 Associates") for a point in the south right of way line of said  
10 B.S.L. & W. Railroad, and the north line of said 165.928 acre tract  
11 and the herein described parcel;

12 THENCE, North  $82^{\circ}47'01''$  East, 2073.06 feet along the south right of  
13 way line of said B.S.L. & W. Railroad, and the north line of said  
14 165.928 acre tract to a 5/8-inch iron rod set with cap (stamped  
15 "Montgomery and Associates") beginning a curve to the left;

16 THENCE, along the arc of said curve to the left having a radius of  
17 4372.28 feet, an arc length of 1770.41 feet, through a delta of  
18  $23^{\circ}12'00''$ , and a chord bearing North  $71^{\circ}11'01''$  East, 1758.34 feet to  
19 a 5/8-inch iron rod set with cap (stamped "Montgomery and  
20 Associates") for a point in south right of way line of said B.S.L. &  
21 W. Railroad, and the north line of said 165.928 acre tract and the  
22 herein described parcel;

23 THENCE, North  $59^{\circ}35'01''$  East, 165.57 feet along the southeasterly  
24 right of way of said B.S.L. & W. Railroad, and the north line of said  
25 165.928 acre tract to a 5/8-inch iron rod set with cap (stamped  
26 "Montgomery and Associates") in the high bank of Lake Houston, for a  
27 northeasterly corner of the herein described parcel;

1 THENCE, meandering along the high bank of said Lake Houston the  
2 following calls:

3 South 33°27'43" East, a distance of 194.49 feet;

4 South 31°19'07" East, a distance of 205.30 feet;

5 South 04°32'51" East, a distance of 110.27 feet;

6 South 29°02'57" West, a distance of 312.01 feet;

7 South 17°21'54" West, a distance of 95.43 feet;

8 South 60°33'31" West, a distance of 682.21 feet;

9 South 33°36'35" West, a distance of 310.86 feet;

10 South 41°26'46" West, a distance of 173.95 feet;

11 South 37°04'07" West, a distance of 195.61 feet;

12 South 66°51'30" West, a distance of 98.64 feet;

13 South 78°44'55" West, a distance of 242.84 feet;

14 South 78°30'34" West, a distance of 281.07 feet;

15 South 80°48'27" West, a distance of 88.84 feet;

16 South 68°02'21" West, a distance of 214.27 feet;

17 South 40°00'15" West, a distance of 81.51 feet;

18 South 21°39'56" West, a distance of 98.08 feet;

19 South 03°46'20" East, a distance of 50.58 feet to a 5/8-inch iron rod

20 set with cap (stamped "Montgomery and Associates") for the

21 northeast corner of said "Second Tract", for the southeast corner

22 of the herein described parcel;

23 THENCE, along the west bank of Lake Houston and the east line of

24 said 92.3892 acre tract the following courses and distances:

25 South 26°44'05" West, 487.30 feet;

26 South 67°10'29" West, 540.91 feet;

27 South 83°01'25" West, 2363.77 feet to a point in the south line of



1 the herein described parcel;

2 THENCE, South 87°30'48" West, 1285.37 feet along the south line of  
3 the "Second Tract", and the north line of said 18.6469 acres to a  
4 point for an interior corner of the herein described parcel from  
5 which a 5/8-inch iron rod found bears South 01°54'32" West, 2.05  
6 feet;

7 THENCE, South 02°25'06" East, 539.72 feet to a 5/8-inch iron rod  
8 found with cap in the north line of a called 5.161 acre tract  
9 conveyed to Mary Ellen Kindrick, Carol Ann Mills, Leslie Earl  
10 Meyer, Jr., Rose Lee Jenkins, James Earl Meyer, and Pamela Dawn  
11 Meadors by Correction Special Warranty Deed recorded under Clerk's  
12 File No. T872891 of the Harris County Official Public Records of  
13 Real Property, for the southeast corner of said 18.6469 acre tract,  
14 and the herein described parcel;

15 THENCE, South 87°55'07" West, 1347.74 feet along the north line of  
16 said 5.161 acre tract, and the north line of a called 1.729 acre  
17 tract conveyed to Carol Mills by Warranty Deed recorded under  
18 Clerk's File No. W826336 of the Harris County Official Public  
19 Records of Real Property, to a point in a sand pit for a  
20 southwesterly corner of the herein described parcel;

21 THENCE, South 35°24'58" West, 126.15 feet along the southerly line  
22 of said 18.6469 acre tract to a point in the north line of Houston  
23 Groves according to the map or plat thereof recorded under Volume 8,  
24 Page 51 of the Harris County Map Records, for a southwesterly corner  
25 of said 18.6469 acre tract, and the herein described parcel;

26 THENCE, South 87°33'08" West, 164.31 feet along the north line of  
27 said Houston Groves, and the southerly line of said 18.6469 acre

1 tract to a point in a sand pit, in the east right of way line of said  
2 B.S.L. & W. Railroad for the southwest corner of the herein  
3 described parcel;

4 THENCE, North 40°05'56" East, 637.78 feet along the east right of  
5 way of said B.S.L. & W. Railroad to a 5/8-inch iron rod set with cap  
6 (stamped "Montgomery and Associates") for a northwesterly corner of  
7 the herein described parcel;

8 THENCE, North 49°56'03" West, 100.00 feet along the easterly right  
9 of way line of said B.S.L. & W. Railroad to a 5/8-inch iron rod set  
10 with cap (stamped "Montgomery and Associates") for a northwesterly  
11 corner of the herein described parcel;

12 THENCE, North 40°05'56" East, 125.52 feet along the easterly right  
13 of way line of said B.S.L. & W. Railroad to a found concrete  
14 monument, for the southwest corner of the aforementioned "second  
15 tract" and the northwest corner of the aforementioned 18.6469 acre  
16 tract;

17 THENCE, North 40°05'56" East, 1117.65 feet along the southeasterly  
18 right of way line of said B.S.L. & W. Railroad, and the westerly  
19 line of the aforementioned 92.3892 acre tract to a 3/8-inch iron rod  
20 found for the northwest corner of said 92.3892 acre tract and the  
21 west line of the herein described parcel;

22 THENCE, North 87 degrees 48 minutes 29 seconds East, 48.77 feet,  
23 along the north line of the aforementioned 92.3892 acre tract and  
24 the east line of the aforementioned B.S.L. & W. Railroad back to the  
25 POINT OF BEGINNING, CONTAINING 267.01 acres (11,630,986 square  
26 feet) of land in Montgomery County, Texas.

27 TRACT TWO:

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1 Being a 53.04 acre (2,310,369 square feet) parcel situated in the  
2 David Harris Survey, A-26, Harris County, Texas, being all of a  
3 called 118.8737 acre tract referred to as the "First Tract"  
4 recorded under Clerk's File No. F946397 of the Harris County  
5 Official Public Records of Real Property, said parcel being more  
6 particularly described by metes and bounds as follows with all  
7 bearings based on Texas State Plane South Central Zone;

8 BEGINNING, at a 5/8-inch iron rod found in the southeasterly right  
9 of way line of West Lake Houston Parkway (called 120 feet wide), for  
10 the southwest corner of the residue of a called 422.45 acre tract  
11 described in Deed recorded under Clerk's File No, R489964 of the  
12 Harris County Official Public Records of Real Property, for the  
13 northwest corner of said 118.8737 acre tract and the herein  
14 described parcel;

15 THENCE, North 87°44'36" East, 2569.75 feet along the south line of  
16 said 422.45 acre tract, the south line of Walden on Lake Houston  
17 Phase 3, Sportsman's Village according to the plat recorded under  
18 Volume 315, Page 89 of the Harris County Map Records, and the north  
19 line of said 118.8737 acre tract to a 5/8-inch iron rod found in the  
20 northwesterly right of way line of the B.S.L. & W. Railroad Right of  
21 Way, for the northeast corner of said 118.8737 acre tract and the  
22 herein described parcel;

23 THENCE, South 40°05'56" West, 490.10 feet along the northwesterly  
24 right of way of said B.S.L. & W. Railroad, and an easterly line of  
25 said 118.8737 acre tract to a 5/8-inch iron rod found for an angle  
26 point;

27 THENCE, North 49°54'04" West, 50.00 feet along the northwesterly

1 right of way of said B.S.L. & W. Railroad, and an easterly line of  
2 said 118.8737 acre tract to a 5/8-inch iron rod found for an angle  
3 point;

4 THENCE, South 40°05'57" West, 680.00 feet along the northwesterly  
5 right of way of said B.S.L. & W. Railroad, and an easterly line of  
6 said 118.8737 acre tract to a 3/4-inch iron pipe found for the  
7 northeast corner of said 45.1184 acre tract, for the southeast  
8 corner of said 118.8737 acre tract and the herein described parcel;

9 THENCE, South 87°39'43" West, 2981.27 feet along the north line of  
10 said 45.1184 acre tract, and the south line of said 118.8737 acre  
11 tract to a 5/8-inch iron rod found in the southeasterly right of way  
12 line of said West Lake Houston Parkway, for the northwest corner of  
13 said 45.1184 acre tract, and the southwest corner of said 118.8737  
14 acre tract and the herein described parcel, beginning a non-tangent  
15 curve to the right;

16 THENCE, along the southeasterly right of way line of said West Lake  
17 Houston Parkway, and the westerly line of said 118.8737 acre tract,  
18 along the arc of said curve to the right with a radius of 2040.00  
19 feet, an arc length of 172.19 feet, through a delta of 04°50'10", and  
20 a chord bearing North 51°34'21" East, 172.14 feet to a 5/8-nch iron  
21 rod found;

22 THENCE, North 53°59'26" East, 1320.40 feet along the southeasterly  
23 right of way line of said West Lake Houston Parkway, and the west  
24 line of said 118.8737 acre tract to the POINT OF BEGINNING,  
25 CONTAINING 53.04 acres (2,310,369 square feet) of land in Harris  
26 County, Texas.

27 SECTION 3. (a) The legal notice of the intention to

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

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

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

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

18 SECTION 4. This Act takes effect September 1, 2007.