

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 8214.024 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) The temporary
23 board consists of:

24 (1) _____ ;

25 (2) _____ ;

26 (3) _____ ;

27 (4) _____ ; and

1 (5) _____.

2 (b) If a temporary director fails to qualify for office, the
3 Texas Commission on Environmental Quality shall appoint a person to
4 fill the vacancy.

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

6 (1) the date directors are elected under Section
7 8214.024; 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. If a location cannot be
15 agreed upon, the directors shall meet at the Harris County
16 Courthouse. At the meeting, the temporary directors shall elect
17 officers from among the temporary directors and conduct any other
18 district business.

19 Sec. 8214.023. CONSENT OF MUNICIPALITY REQUIRED. The
20 temporary directors may not hold an election under Section 8214.024
21 until each municipality in whose corporate limits or
22 extraterritorial jurisdiction the district is located has adopted a
23 resolution consenting to the creation of the district.

24 Sec. 8214.024. CONFIRMATION AND INITIAL DIRECTORS'
25 ELECTION. The temporary directors shall hold an election to
26 confirm the creation of the district and to elect five directors as
27 provided by Section 49.102, Water Code.

1 Sec. 8214.025. INITIAL ELECTED DIRECTORS; TERMS. The
2 directors elected under Section 8214.024 shall draw lots to
3 determine which two shall serve until the first regularly scheduled
4 election of directors and which three shall serve until the second
5 regularly scheduled election of directors.

6 Sec. 8214.026. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2014.

8 [Sections 8214.027-8214.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

13 [Sections 8214.052-8214.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

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

20 Sec. 8214.102. ROAD PROJECTS. (a) To the extent authorized
21 by Section 52, Article III, Texas Constitution, the district may
22 construct, acquire, improve, maintain, or operate macadamized,
23 graveled, or paved roads or turnpikes, or improvements in aid of
24 those roads or turnpikes, inside the district.

25 (b) A road project must meet all applicable construction
26 standards, zoning and subdivision requirements, and regulations of
27 each municipality in whose corporate limits or extraterritorial

1 jurisdiction the district is located. If the district is not
2 located in the corporate limits or extraterritorial jurisdiction of
3 a municipality, a road project must meet all applicable
4 construction standards, zoning and subdivision requirements, and
5 regulations of each county in which the district is located.

6 (c) The district may not undertake a road project unless
7 each municipality in whose corporate limits or extraterritorial
8 jurisdiction the district is located consents by resolution.

9 Sec. 8214.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
10 RESOLUTIONS. The district shall comply with all applicable
11 requirements of any ordinance or resolution adopted by the
12 governing body of the City of Houston.

13 [Sections 8214.104-8214.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

18 [Sections 8214.152-8214.200 reserved for expansion]

19 SUBCHAPTER E. BONDS

20 Sec. 8214.201. AUTHORITY TO ISSUE BONDS AND OTHER
21 OBLIGATIONS. (a) The district may issue bonds or other obligations
22 as provided by Chapters 49 and 54, Water Code, to finance the
23 construction, maintenance, or operation of a project under Section
24 8214.101 or 8214.102.

25 (b) The district may not issue bonds or other obligations to
26 finance projects authorized by Section 8214.102 unless the issuance
27 is approved by a vote of a two-thirds majority of the district

1 voters voting at an election called for that purpose.

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

5 SECTION 2. The Harris County Municipal Utility District No.
6 494 includes all the territory contained in the following area:

7 TRACT ONE:

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

16 BEGINNING, at a 3/8-inch iron rod found in the southeasterly right
17 of way line of the B.S.L. & W. Railroad, in the north line of a tract
18 described as the "Second Tract" by Deed recorded under Clerk's File
19 No. F946397 of the Harris County Official Public Records of Real
20 Property, for the southwest corner of said 165.928 acre tract and
21 the herein described parcel beginning a curve to the right;

22 THENCE, along the arc of said curve to the right having a radius of
23 4699.74 feet, an arc length of 3187.30 feet, through a delta of
24 38°51'26", and a chord bearing North 63°21'18" East, 3126.56 feet to
25 a 5/8-inch iron rod set with cap (stamped "Montgomery and
26 Associates") for a point in the south right of way line of said
27 B.S.L. & W. Railroad, and the north line of said 165.928 acre tract

1 and the herein described parcel;
2 THENCE, North 82°47'01" East, 2073.06 feet along the south right of
3 way line of said B.S.L. & W. Railroad, and the north line of said
4 165.928 acre tract to a 5/8-inch iron rod set with cap (stamped
5 "Montgomery and Associates") beginning a curve to the left;
6 THENCE, along the arc of said curve to the left having a radius of
7 4372.28 feet, an arc length of 1770.41 feet, through a delta of
8 23°12'00", and a chord bearing North 71°11'01" East, 1758.34 feet to
9 a 5/8-inch iron rod set with cap (stamped "Montgomery and
10 Associates") for a point in south right of way line of said B.S.L. &
11 W. Railroad, and the north line of said 165.928 acre tract and the
12 herein described parcel;
13 THENCE, North 59°35'01" East, 165.57 feet along the southeasterly
14 right of way of said B.S.L. & W. Railroad, and the north line of said
15 165.928 acre tract to a 5/8-inch iron rod set with cap (stamped
16 "Montgomery and Associates") in the high bank of Lake Houston, for a
17 northeasterly corner of the herein described parcel;
18 THENCE, meandering along the high bank of said Lake Houston the
19 following calls:
20 South 33°27'43" East, a distance of 194.49 feet;
21 South 31°19'07" East, a distance of 205.30 feet;
22 South 04°32'51" East, a distance of 110.27 feet;
23 South 29°02'57" West, a distance of 312.01 feet;
24 South 17°21'54" West, a distance of 95.43 feet;
25 South 60°33'31" West, a distance of 682.21 feet;
26 South 33°36'35" West, a distance of 310.86 feet;
27 South 41°26'46" West, a distance of 173.95 feet;

1 South 37°04'07" West, a distance of 195.61 feet;
2 South 66°51'30" West, a distance of 98.64 feet;
3 South 78°44'55" West, a distance of 242.84 feet;
4 South 78°30'34" West, a distance of 281.07 feet;
5 South 80°48'27" West, a distance of 88.84 feet;
6 South 68°02'21" West, a distance of 214.27 feet;
7 South 40°00'15" West, a distance of 81.51 feet;
8 South 21°39'56" West, a distance of 98.08 feet;
9 South 03°46'20" East, a distance of 50.58 feet to a 5/8-inch iron rod
10 set with cap (stamped "Montgomery and Associates") for the
11 northeast corner of said "Second Tract", for the southeast corner
12 of the herein described parcel;
13 THENCE, along the west bank of Lake Houston and the east line of
14 said 92.3892 acre tract the following courses and distances:
15 South 26°44'05" West, 487.30 feet;
16 South 67°10'29" West, 540.91 feet;
17 South 83°01'25" West, 2363.77 feet to a point in the south line of
18 the herein described parcel;
19 THENCE, South 87°30'48" West, 1285.37 feet along the south line of
20 the "Second Tract", and the north line of said 18.6469 acres to a
21 point for an interior corner of the herein described parcel from
22 which a 5/8-inch iron rod found bears South 01°54'32" West, 2.05
23 feet;
24 THENCE, South 02°25'06" East, 539.72 feet to a 5/8-inch iron rod
25 found with cap in the north line of a called 5.161 acre tract
26 conveyed to Mary Ellen Kindrick, Carol Ann Mills, Leslie Earl
27 Meyer, Jr., Rose Lee Jenkins, James Earl Meyer, and Pamela Dawn

1 Meadors by Correction Special Warranty Deed recorded under Clerk's
2 File No. T872891 of the Harris County Official Public Records of
3 Real Property, for the southeast corner of said 18.6469 acre tract,
4 and the herein described parcel;

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

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

16 THENCE, South 87°33'08" West, 164.31 feet along the north line of
17 said Houston Groves, and the southerly line of said 18.6469 acre
18 tract to a point in a sand pit, in the east right of way line of said
19 B.S.L. & W. Railroad for the southwest corner of the herein
20 described parcel;

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

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

1 corner of the herein described parcel;

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

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

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

17 TRACT TWO:

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

25 BEGINNING, at a 5/8-inch iron rod found in the southeasterly right
26 of way line of West Lake Houston Parkway (called 120 feet wide), for
27 the southwest corner of the residue of a called 422.45 acre tract

1 described in Deed recorded under Clerk's File No, R489964 of the
2 Harris County Official Public Records of Real Property, for the
3 northwest corner of said 118.8737 acre tract and the herein
4 described parcel;

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

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

17 THENCE, North 49°54'04" West, 50.00 feet along the northwesterly
18 right of way of said B.S.L. & W. Railroad, and an easterly line of
19 said 118.8737 acre tract to a 5/8-inch iron rod found for an angle
20 point;

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

26 THENCE, South 87°39'43" West, 2981.27 feet along the north line of
27 said 45.1184 acre tract, and the south line of said 118.8737 acre

1 tract to a 5/8-inch iron rod found in the southeasterly right of way
2 line of said West Lake Houston Parkway, for the northwest corner of
3 said 45.1184 acre tract, and the southwest corner of said 118.8737
4 acre tract and the herein described parcel, beginning a non-tangent
5 curve to the right;

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

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

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

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

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