

1-1 By: Dutton (Senate Sponsor - Whitmire) H.B. No. 3982
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 18, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the Harris County Municipal Utility
1-10 District No. 494; providing authority to impose a tax and issue
1-11 bonds; granting the power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8214 to read as follows:

1-15 CHAPTER 8214. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8214.001. DEFINITIONS. In this chapter:

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

1-19 (2) "Director" means a board member.

1-20 (3) "District" means Harris County Municipal Utility
1-21 District No. 494.

1-22 Sec. 8214.002. NATURE OF DISTRICT. The district is a
1-23 municipal utility district in Harris County created under and
1-24 essential to accomplish the purposes of Section 52, Article III,
1-25 and Section 59, Article XVI, Texas Constitution.

1-26 Sec. 8214.003. CONFIRMATION ELECTION REQUIRED. If the
1-27 creation of the district is not confirmed at a confirmation
1-28 election held under Section 8214.023 before September 1, 2011:

1-29 (1) the district is dissolved September 1, 2011,
1-30 except that the district shall:

1-31 (A) pay any debts incurred;

1-32 (B) transfer to Harris County any assets that
1-33 remain after the payment of debts; and

1-34 (C) maintain the organization of the district
1-35 until all debts are paid and remaining assets are transferred; and

1-36 (2) this chapter expires September 1, 2014.

1-37 Sec. 8214.004. INITIAL DISTRICT TERRITORY. (a) The
1-38 district is initially composed of the territory described by
1-39 Section 2 of the Act creating this chapter.

1-40 (b) The boundaries and field notes contained in Section 2 of
1-41 the Act creating this chapter form a closure. A mistake made in the
1-42 field notes or in copying the field notes in the legislative process
1-43 does not affect:

1-44 (1) the organization, existence, or validity of the
1-45 district;

1-46 (2) the right of the district to impose taxes;

1-47 (3) the validity of the district's bonds, notes, or
1-48 indebtedness; or

1-49 (4) the legality or operation of the district or the
1-50 board.

1-51 [Sections 8214.005-8214.020 reserved for expansion]

1-52 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-53 Sec. 8214.021. TEMPORARY DIRECTORS. (a) On or after
1-54 September 1, 2007, a person who owns land in the district may submit
1-55 a petition to the Texas Commission on Environmental Quality
1-56 requesting that the commission appoint as temporary directors the
1-57 five persons named in the petition.

1-58 (b) The commission shall appoint as temporary directors the
1-59 five persons named in the first petition received by the commission
1-60 under Subsection (a).

1-61 (c) If a temporary director fails to qualify for office, the
1-62 commission shall appoint a person to fill the vacancy.

1-63 (d) Temporary directors serve until the earlier of:

1-64 (1) the date directors are elected under Section

2-1 8214.023; or
 2-2 (2) the date this chapter expires under Section
 2-3 8214.003.
 2-4 Sec. 8214.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-5 DIRECTORS. As soon as practicable after all the temporary
 2-6 directors have qualified under Section 49.055, Water Code, the
 2-7 temporary directors shall meet at a location in the district
 2-8 agreeable to a majority of the directors. At the meeting, the
 2-9 temporary directors shall elect officers from among the temporary
 2-10 directors and conduct any other district business.
 2-11 Sec. 8214.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-12 ELECTION. The temporary directors shall hold an election to
 2-13 confirm the creation of the district and to elect five directors as
 2-14 provided by Section 49.102, Water Code.
 2-15 Sec. 8214.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-16 directors elected under Section 8214.023 shall draw lots to
 2-17 determine which two shall serve until the first regularly scheduled
 2-18 election of directors and which three shall serve until the second
 2-19 regularly scheduled election of directors.
 2-20 Sec. 8214.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-21 expires September 1, 2014.
 2-22 [Sections 8214.026-8214.050 reserved for expansion]
 2-23 SUBCHAPTER B. BOARD OF DIRECTORS
 2-24 Sec. 8214.051. GOVERNING BODY; TERMS. (a) The district is
 2-25 governed by a board of five directors.
 2-26 (b) Directors serve staggered four-year terms.
 2-27 [Sections 8214.052-8214.100 reserved for expansion]
 2-28 SUBCHAPTER C. POWERS AND DUTIES
 2-29 Sec. 8214.101. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-30 DUTIES. The district has the powers and duties provided by the
 2-31 general law of this state, including Chapters 49 and 54, Water Code,
 2-32 applicable to municipal utility districts created under Section 59,
 2-33 Article XVI, Texas Constitution.
 2-34 Sec. 8214.102. ROAD PROJECTS. (a) To the extent authorized
 2-35 by Section 52, Article III, Texas Constitution, the district may
 2-36 construct, acquire, improve, maintain, or operate macadamized,
 2-37 graveled, or paved roads or turnpikes, or improvements in aid of
 2-38 those roads or turnpikes, inside the district.
 2-39 (b) A road project must meet all applicable construction
 2-40 standards, zoning and subdivision requirements, and regulations of
 2-41 each municipality in whose corporate limits or extraterritorial
 2-42 jurisdiction the district is located. If the district is not
 2-43 located in the corporate limits or extraterritorial jurisdiction of
 2-44 a municipality, a road project must meet all applicable
 2-45 construction standards, zoning and subdivision requirements, and
 2-46 regulations of each county in which the district is located.
 2-47 (c) The district may not undertake a road project unless
 2-48 each municipality in whose corporate limits or extraterritorial
 2-49 jurisdiction the district is located consents by resolution.
 2-50 Sec. 8214.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
 2-51 RESOLUTIONS. The district shall comply with all applicable
 2-52 requirements of any ordinance or resolution adopted by the
 2-53 governing body of the City of Houston.
 2-54 Sec. 8214.104. EFFECT OF ANNEXATION BY CITY OF HOUSTON. If,
 2-55 before the date of the confirmation election, the City of Houston
 2-56 annexes into its corporate limits all territory described by the
 2-57 Act creating this chapter, Section 43.075, Local Government Code,
 2-58 does not apply to the district.
 2-59 [Sections 8214.105-8214.150 reserved for expansion]
 2-60 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 2-61 Sec. 8214.151. TAX TO REPAY BONDS. The district may impose
 2-62 a tax to pay the principal of or interest on bonds or other
 2-63 obligations issued under Section 8214.201.
 2-64 Sec. 8214.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
 2-65 ASSESSMENTS. The district may not impose an impact fee or
 2-66 assessment on the property, including the equipment,
 2-67 rights-of-way, facilities, or improvements, of:
 2-68 (1) an electric utility or a power generation company
 2-69 as defined by Section 31.002, Utilities Code;

3-1 (2) a gas utility as defined by Section 101.003 or
3-2 121.001, Utilities Code;

3-3 (3) a telecommunications provider as defined by
3-4 Section 51.002, Utilities Code; or

3-5 (4) a person who provides to the public cable
3-6 television or advanced telecommunications services.

3-7 [Sections 8214.153-8214.200 reserved for expansion]

3-8 SUBCHAPTER E. BONDS

3-9 Sec. 8214.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-10 OBLIGATIONS. (a) The district may issue bonds or other obligations
3-11 as provided by Chapters 49 and 54, Water Code, to finance the
3-12 construction, maintenance, or operation of a project under Section
3-13 8214.101 or 8214.102.

3-14 (b) The district may not issue bonds or other obligations to
3-15 finance projects authorized by Section 8214.102 unless the issuance
3-16 is approved by a vote of a two-thirds majority of the district
3-17 voters voting at an election called for that purpose.

3-18 (c) Bonds or other obligations issued or incurred to finance
3-19 projects authorized by Section 8214.102 may not exceed one-fourth
3-20 of the assessed value of the real property in the district.

3-21 SECTION 2. The Harris County Municipal Utility District No.
3-22 494 includes all the territory contained in the following area:

3-23 TRACT ONE:

3-24 Being a 267.01 acre (11,630,986 square feet) parcel situated in the
3-25 David Harris Survey, A-26, Harris County, Texas, being all of a
3-26 called 165.928 acre tract conveyed to Frank J. Dimara, Victor M.
3-27 Manon, Ursula Quentel, and James S. Henson, Jr. by Special Warranty
3-28 Deed with Vendor's Lien by Clerk's File No. S740603 of the Harris
3-29 County Official Public Records of Real Property, said parcel being
3-30 more particularly described by metes and bounds as follows with all
3-31 bearings based on Texas State Plane South Central Zone;

3-32 BEGINNING, at a 3/8-inch iron rod found in the southeasterly right
3-33 of way line of the B.S.L. & W. Railroad, in the north line of a tract
3-34 described as the "Second Tract" by Deed recorded under Clerk's File
3-35 No. F946397 of the Harris County Official Public Records of Real
3-36 Property, for the southwest corner of said 165.928 acre tract and
3-37 the herein described parcel beginning a curve to the right;
3-38 THENCE, along the arc of said curve to the right having a radius of
3-39 4699.74 feet, an arc length of 3187.30 feet, through a delta of
3-40 38°51'26", and a chord bearing North 63°21'18" East, 3126.56 feet to
3-41 a 5/8-inch iron rod set with cap (stamped "Montgomery and
3-42 Associates") for a point in the south right of way line of said
3-43 B.S.L. & W. Railroad, and the north line of said 165.928 acre tract
3-44 and the herein described parcel;

3-45 THENCE, North 82°47'01" East, 2073.06 feet along the south right of
3-46 way line of said B.S.L. & W. Railroad, and the north line of said
3-47 165.928 acre tract to a 5/8-inch iron rod set with cap (stamped
3-48 "Montgomery and Associates") beginning a curve to the left;

3-49 THENCE, along the arc of said curve to the left having a radius of
3-50 4372.28 feet, an arc length of 1770.41 feet, through a delta of
3-51 23°12'00", and a chord bearing North 71°11'01" East, 1758.34 feet to
3-52 a 5/8-inch iron rod set with cap (stamped "Montgomery and
3-53 Associates") for a point in south right of way line of said B.S.L. &
3-54 W. Railroad, and the north line of said 165.928 acre tract and the
3-55 herein described parcel;

3-56 THENCE, North 59°35'01" East, 165.57 feet along the southeasterly
3-57 right of way of said B.S.L. & W. Railroad, and the north line of said
3-58 165.928 acre tract to a 5/8-inch iron rod set with cap (stamped
3-59 "Montgomery and Associates") in the high bank of Lake Houston, for a
3-60 northeasterly corner of the herein described parcel;

3-61 THENCE, meandering along the high bank of said Lake Houston the
3-62 following calls:

- 3-63 South 33°27'43" East, a distance of 194.49 feet;
- 3-64 South 31°19'07" East, a distance of 205.30 feet;
- 3-65 South 04°32'51" East, a distance of 110.27 feet;
- 3-66 South 29°02'57" West, a distance of 312.01 feet;
- 3-67 South 17°21'54" West, a distance of 95.43 feet;
- 3-68 South 60°33'31" West, a distance of 682.21 feet;
- 3-69 South 33°36'35" West, a distance of 310.86 feet;

4-1 South 41°26'46" West, a distance of 173.95 feet;
 4-2 South 37°04'07" West, a distance of 195.61 feet;
 4-3 South 66°51'30" West, a distance of 98.64 feet;
 4-4 South 78°44'55" West, a distance of 242.84 feet;
 4-5 South 78°30'34" West, a distance of 281.07 feet;
 4-6 South 80°48'27" West, a distance of 88.84 feet;
 4-7 South 68°02'21" West, a distance of 214.27 feet;
 4-8 South 40°00'15" West, a distance of 81.51 feet;
 4-9 South 21°39'56" West, a distance of 98.08 feet;
 4-10 South 03°46'20" East, a distance of 50.58 feet to a 5/8-inch iron rod
 4-11 set with cap (stamped "Montgomery and Associates") for the
 4-12 northeast corner of said "Second Tract", for the southeast corner
 4-13 of the herein described parcel;
 4-14 THENCE, along the west bank of Lake Houston and the east line of
 4-15 said 92.3892 acre tract the following courses and distances:
 4-16 South 26°44'05" West, 487.30 feet;
 4-17 South 67°10'29" West, 540.91 feet;
 4-18 South 83°01'25" West, 2363.77 feet to a point in the south line of
 4-19 the herein described parcel;
 4-20 THENCE, South 87°30'48" West, 1285.37 feet along the south line of
 4-21 the "Second Tract", and the north line of said 18.6469 acres to a
 4-22 point for an interior corner of the herein described parcel from
 4-23 which a 5/8-inch iron rod found bears South 01°54'32" West, 2.05
 4-24 feet;
 4-25 THENCE, South 02°25'06" East, 539.72 feet to a 5/8-inch iron rod
 4-26 found with cap in the north line of a called 5.161 acre tract
 4-27 conveyed to Mary Ellen Kindrick, Carol Ann Mills, Leslie Earl
 4-28 Meyer, Jr., Rose Lee Jenkins, James Earl Meyer, and Pamela Dawn
 4-29 Meadors by Correction Special Warranty Deed recorded under Clerk's
 4-30 File No. T872891 of the Harris County Official Public Records of
 4-31 Real Property, for the southeast corner of said 18.6469 acre tract,
 4-32 and the herein described parcel;
 4-33 THENCE, South 87°55'07" West, 1347.74 feet along the north line of
 4-34 said 5.161 acre tract, and the north line of a called 1.729 acre
 4-35 tract conveyed to Carol Mills by Warranty Deed recorded under
 4-36 Clerk's File No. W826336 of the Harris County Official Public
 4-37 Records of Real Property, to a point in a sand pit for a
 4-38 southwesterly corner of the herein described parcel;
 4-39 THENCE, South 35°24'58" West, 126.15 feet along the southerly line
 4-40 of said 18.6469 acre tract to a point in the north line of Houston
 4-41 Groves according to the map or plat thereof recorded under Volume 8,
 4-42 Page 51 of the Harris County Map Records, for a southwesterly corner
 4-43 of said 18.6469 acre tract, and the herein described parcel;
 4-44 THENCE, South 87°33'08" West, 164.31 feet along the north line of
 4-45 said Houston Groves, and the southerly line of said 18.6469 acre
 4-46 tract to a point in a sand pit, in the east right of way line of said
 4-47 B.S.L. & W. Railroad for the southwest corner of the herein
 4-48 described parcel;
 4-49 THENCE, North 40°05'56" East, 637.78 feet along the east right of
 4-50 way of said B.S.L. & W. Railroad to a 5/8-inch iron rod set with cap
 4-51 (stamped "Montgomery and Associates") for a northwesterly corner of
 4-52 the herein described parcel;
 4-53 THENCE, North 49°56'03" West, 100.00 feet along the easterly right
 4-54 of way line of said B.S.L. & W. Railroad to a 5/8-inch iron rod set
 4-55 with cap (stamped "Montgomery and Associates") for a northwesterly
 4-56 corner of the herein described parcel;
 4-57 THENCE, North 40°05'56" East, 125.52 feet along the easterly right
 4-58 of way line of said B.S.L. & W. Railroad to a found concrete
 4-59 monument, for the southwest corner of the aforementioned "second
 4-60 tract" and the northwest corner of the aforementioned 18.6469 acre
 4-61 tract;
 4-62 THENCE, North 40°05'56" East, 1117.65 feet along the southeasterly
 4-63 right of way line of said B.S.L. & W. Railroad, and the westerly
 4-64 line of the aforementioned 92.3892 acre tract to a 3/8-inch iron rod
 4-65 found for the northwest corner of said 92.3892 acre tract and the
 4-66 west line of the herein described parcel;
 4-67 THENCE, North 87 degrees 48 minutes 29 seconds East, 48.77 feet,
 4-68 along the north line of the aforementioned 92.3892 acre tract and
 4-69 the east line of the aforementioned B.S.L. & W. Railroad back to the

5-1 POINT OF BEGINNING, CONTAINING 267.01 acres (11,630,986 square
5-2 feet) of land in Montgomery County, Texas.

5-3 TRACT TWO:

5-4 Being a 53.04 acre (2,310,369 square feet) parcel situated in the
5-5 David Harris Survey, A-26, Harris County, Texas, being all of a
5-6 called 118.8737 acre tract referred to as the "First Tract"
5-7 recorded under Clerk's File No. F946397 of the Harris County
5-8 Official Public Records of Real Property, said parcel being more
5-9 particularly described by metes and bounds as follows with all
5-10 bearings based on Texas State Plane South Central Zone;

5-11 BEGINNING, at a 5/8-inch iron rod found in the southeasterly right
5-12 of way line of West Lake Houston Parkway (called 120 feet wide), for
5-13 the southwest corner of the residue of a called 422.45 acre tract
5-14 described in Deed recorded under Clerk's File No, R489964 of the
5-15 Harris County Official Public Records of Real Property, for the
5-16 northwest corner of said 118.8737 acre tract and the herein
5-17 described parcel;

5-18 THENCE, North 87°44'36" East, 2569.75 feet along the south line of
5-19 said 422.45 acre tract, the south line of Walden on Lake Houston
5-20 Phase 3, Sportsman's Village according to the plat recorded under
5-21 Volume 315, Page 89 of the Harris County Map Records, and the north
5-22 line of said 118.8737 acre tract to a 5/8-inch iron rod found in the
5-23 northwesterly right of way line of the B.S.L. & W. Railroad Right of
5-24 Way, for the northeast corner of said 118.8737 acre tract and the
5-25 herein described parcel;

5-26 THENCE, South 40°05'56" West, 490.10 feet along the northwesterly
5-27 right of way of said B.S.L. & W. Railroad, and an easterly line of
5-28 said 118.8737 acre tract to a 5/8-inch iron rod found for an angle
5-29 point;

5-30 THENCE, North 49°54'04" West, 50.00 feet along the northwesterly
5-31 right of way of said B.S.L. & W. Railroad, and an easterly line of
5-32 said 118.8737 acre tract to a 5/8-inch iron rod found for an angle
5-33 point;

5-34 THENCE, South 40°05'57" West, 680.00 feet along the northwesterly
5-35 right of way of said B.S.L. & W. Railroad, and an easterly line of
5-36 said 118.8737 acre tract to a 3/4-inch iron pipe found for the
5-37 northeast corner of said 45.1184 acre tract, for the southeast
5-38 corner of said 118.8737 acre tract and the herein described parcel;

5-39 THENCE, South 87°39'43" West, 2981.27 feet along the north line of
5-40 said 45.1184 acre tract, and the south line of said 118.8737 acre
5-41 tract to a 5/8-inch iron rod found in the southeasterly right of way
5-42 line of said West Lake Houston Parkway, for the northwest corner of
5-43 said 45.1184 acre tract, and the southwest corner of said 118.8737
5-44 acre tract and the herein described parcel, beginning a non-tangent
5-45 curve to the right;

5-46 THENCE, along the southeasterly right of way line of said West Lake
5-47 Houston Parkway, and the westerly line of said 118.8737 acre tract,
5-48 along the arc of said curve to the right with a radius of 2040.00
5-49 feet, an arc length of 172.19 feet, through a delta of 04°50'10", and
5-50 a chord bearing North 51°34'21" East, 172.14 feet to a 5/8-nch iron
5-51 rod found;

5-52 THENCE, North 53°59'26" East, 1320.40 feet along the southeasterly
5-53 right of way line of said West Lake Houston Parkway, and the west
5-54 line of said 118.8737 acre tract to the POINT OF BEGINNING,
5-55 CONTAINING 53.04 acres (2,310,369 square feet) of land in Harris
5-56 County, Texas.

5-57 SECTION 3. (a) The legal notice of the intention to
5-58 introduce this Act, setting forth the general substance of this
5-59 Act, has been published as provided by law, and the notice and a
5-60 copy of this Act have been furnished to all persons, agencies,
5-61 officials, or entities to which they are required to be furnished
5-62 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-63 Government Code.

5-64 (b) The governor, one of the required recipients, has
5-65 submitted the notice and Act to the Texas Commission on
5-66 Environmental Quality.

5-67 (c) The Texas Commission on Environmental Quality has filed
5-68 its recommendations relating to this Act with the governor, the
5-69 lieutenant governor, and the speaker of the house of

6-1 representatives within the required time.

6-2 (d) All requirements of the constitution and laws of this
6-3 state and the rules and procedures of the legislature with respect
6-4 to the notice, introduction, and passage of this Act are fulfilled
6-5 and accomplished.

6-6 SECTION 4. This Act takes effect September 1, 2007.

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