

By: Otto

H.B. No. 4014

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Plum Creek Water Control and Improvement District No. 1 of Liberty, Montgomery, and Harris Counties; 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9018 to read as follows:

CHAPTER 9018. PLUM CREEK WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1 OF LIBERTY, MONTGOMERY, AND HARRIS COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9018.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Plum Creek Water Control and Improvement District No. 1 of Liberty, Montgomery, and Harris Counties.

Sec. 9018.002. NATURE OF DISTRICT. The district is a water control and improvement district in Liberty, Montgomery, and Harris Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9018.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9018.024 before September 1, 2011:

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

3 (A) the district shall pay any debts incurred;
4 (B) the district shall transfer equally to
5 Liberty, Montgomery, and Harris Counties any assets that remain
6 after the payment of debts; and

7 (C) the organization of the district shall be
8 maintained until all debts are paid and remaining assets are
9 transferred; and

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

11 Sec. 9018.004. INITIAL DISTRICT TERRITORY. (a) The
12 district is initially composed of the territory described by
13 Section 2 of the Act creating this chapter.

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

18 (1) the organization, existence, or validity of the
19 district;

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

21 (3) the validity of the district's bonds, notes, or
22 indebtedness; or

23 (4) the legality or operation of the district or the
24 board.

25 [Sections 9018.005-9018.020 reserved for expansion]

26 SUBCHAPTER A-1. TEMPORARY PROVISIONS

27 Sec. 9018.021. TEMPORARY DIRECTORS. (a) On or after

1 September 1, 2007, a person who owns land in the district may submit
2 a petition to the Texas Commission on Environmental Quality
3 requesting that the commission appoint as temporary directors the
4 five persons named in the petition.

5 (b) The commission shall appoint as temporary directors the
6 five persons named in the first petition received by the commission
7 under Subsection (a).

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

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

11 (1) the date directors are elected under Section
12 9018.024; or

13 (2) the date this chapter expires under Section
14 9018.003.

15 Sec. 9018.022. ORGANIZATIONAL MEETING OF TEMPORARY
16 DIRECTORS. As soon as practicable after all the temporary
17 directors have qualified under Section 49.055, Water Code, the
18 temporary directors shall meet at a location in the district
19 agreeable to a majority of the directors.

20 Sec. 9018.023. CONSENT OF MUNICIPALITY REQUIRED. The
21 temporary directors may not hold an election under Section 9018.024
22 until each municipality in whose corporate limits or
23 extraterritorial jurisdiction the district is located has adopted a
24 resolution consenting to the creation of the district.

25 Sec. 9018.024. CONFIRMATION AND INITIAL DIRECTORS'
26 ELECTION. The temporary directors shall hold an election to
27 confirm the creation of the district and to elect five directors as

provided by Section 49.102, Water Code.

Sec. 9018.025. INITIAL ELECTED DIRECTORS; TERMS. The directors elected under Section 9018.024 shall draw lots to determine which two shall serve until the first regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

Sec. 9018.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2014.

[Sections 9018.027-9018.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9018.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

[Sections 9018.052-9018.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9018.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9018.102. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads or turnpikes, or improvements in aid of those roads or turnpikes, inside the district.

(b) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulatory

ordinances or orders of:

(1) each municipality in whose corporate limits or extraterritorial jurisdiction the district is located; and

(2) each county in which the district is located.

Sec. 9018.103. DIVISION OF DISTRICT. (a) The district may be divided into two new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) The division procedure is prescribed by Sections 53.030 through 53.041, Water Code. Sections 51.748 through 51.753, Water Code, do not apply to the district.

(c) Any new district created by the division of the district has all the powers and duties of the district.

(d) Any new district created by the division of the district may not contain any land outside the area described by Section 2 of the Act creating this chapter.

Sec. 9018.104. DISSOLUTION OF DISTRICT. (a) Before December 31, 2017, the district may not be dissolved unless the dissolution is approved by:

(1) the board; and

(2) the governing body of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

(b) This section expires December 31, 2017.

[Sections 9018.105-9018.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9018.151. TAX TO REPAY BONDS. The district may impose

a tax to pay the principal of or interest on bonds or other obligations issued under Section 9018.201.

[Sections 9018.152-9018.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9018.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 51, Water Code, to finance the construction, maintenance, or operation of a project under Sections 9018.101 and 9018.102.

(b) The district may not issue bonds or other obligations to finance projects authorized by Section 9018.102 unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 9018.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Plum Creek Water Control and Improvement District No. 1 of Liberty, Montgomery, and Harris Counties initially includes all the territory contained in the following area:

Being all of a 7,750 acre parcel situated in the James T. Dunman Survey, Abstract 1441, Abstract 164, and Abstract 167, of Harris County, Montgomery County, and Liberty County, the Willis McWilkinson Survey, Abstract 318, the H.T. & B. R.R. Co. Survey, Section 15, Abstract 443, the H.T. & B. R.R. Co. Survey, Section 14-1/2 also known as the W.R. Searcy Survey Abstract 792, the H.T. & B. R.R. Co. Survey, Section 13-1/2, Abstract 635, the W.

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1 McWilkinson Survey, Abstract 317, the Charles Smith Survey,
2 Abstract 350, the B.B.B. & C. Survey, Abstract 152, the James Darwin
3 Survey, Abstract 176, the William H.B. Witham Survey, Abstract 395,
4 the Edward King Survey, Abstract 56, all of Liberty County, Texas,
5 and being a part of a called 7550.32 acre tract conveyed to HF
6 Houston Green Land, L.P. by Special Warranty Deed recorded under
7 Clerk's File No. 2006008098 of the Liberty County Official Public
8 Records of Real Property, and a part of a called 1,122.98 acre tract
9 conveyed to HF Houston Green Land L.P. by Clerk's File No.
10 2006008098 of the Liberty Official Public Records of Real Property,
11 said 7,750 acre parcel more particularly described by the following
12 metes and bounds;

13 BEGINNING, at the most northerly northwest corner of said
14 1,122.98 acre tract;

15 THENCE, North 87°33'40" East, 451.90 feet along a northerly
16 line of said 1,122.98 acre tract to an angle point in the northerly
17 line of said 1,122.98 acre tract and the herein described parcel;

18 THENCE, North 87°05'50" East, 2613.76 feet along a northerly
19 line of said 1,122.98 acre tract to a point in the centerline of
20 Plum Grove Road - F.M. 2100 (called 60 feet wide) for the northeast
21 corner of said 1,122.98 acre tract, and the northwest corner of said
22 7,750.32 acre tract, and an angle point in the north line of the
23 herein described parcel;

24 THENCE, North 87°09'40" East, 18,852.24 feet along the north
25 line of said 7,550.32 acre tract to an angle point in the north line
26 of said 7,550.32 acre tract, and the herein described parcel;

27 THENCE, North 86°56'40" East, 2670.10 feet along the north

1 line of said 7,550.32 acre tract to an angle point in the north line
2 of said 7,550.32 acre tract, and the herein described parcel;

3 THENCE, South 02°34'07" East, 7103.23 feet along a northerly
4 line of said 7,550.32 acre tract to an angle point in the northerly
5 line of said 7,550.32 acre tract, and the herein described parcel;

6 THENCE, South 87°26'24" West, 5165.07 feet along an easterly
7 line of said 7,550.32 acre tract to an angle point in the easterly
8 line of said 7,550.32 acre tract and the herein described parcel;

9 THENCE, South 02°33'03" East, 1652.66 feet along an easterly
10 line of said 7,550.32 acre tract to an angle point in the easterly
11 line of said 7,550.32 acre tract and the herein described parcel;

12 THENCE, North 86°54'28" East, 8219.52 feet along an easterly
13 line of said 7,550.32 acre tract to an angle point in the easterly
14 line of said 7,550.32 acre tract, and the herein described parcel;

15 THENCE, North 86°54'42" East, 1055.04 feet along an easterly
16 line of said 7,550.32 acre tract to an angle point in the easterly
17 line of said 7,550.32 acre tract, and the herein described parcel;

18 THENCE, North 02°02'17" West, 211.93 feet along an easterly
19 line of said 7,550.32 acre tract to an angle point in the easterly
20 line of said 7,550.32 acre tract, and the herein described parcel;

21 THENCE, North 87°51'35" East, 2334.15 feet along an easterly
22 line of said 7,550.32 acre tract to an angle point in the easterly
23 line of said 7,550.32 acre tract, and the herein described parcel;

24 THENCE, South 02°04'15" East, 5336.43 feet along an easterly
25 line of said 7,550.32 acre tract to an angle point in the easterly
26 line of said 7,550.32 acre tract, and the herein described parcel;

27 THENCE, South 87°51'07" West, 2339.90 feet along an easterly

1 line of said 7,550.32 acre tract to an angle point in the easterly
2 line of said 7,550.32 acre tract, and the herein described parcel;

3 THENCE, North 01°59'09" West, 1325.35 feet along an easterly
4 line of said 7,550.32 acre tract to an angle point in the easterly
5 line of said 7,550.32 acre tract, and the herein described parcel;

6 THENCE, North 77°54'20" West, 219.24 feet along an easterly
7 line of said 7,550.32 acre tract to an angle point in the easterly
8 line of said 7,550.32 acre tract, and the herein described parcel;

9 THENCE, North 83°12'30" West, 830.40 feet along an easterly
10 line of said 7,550.32 acre tract to an angle point in the easterly
11 line of said 7,550.32 acre tract, and the herein described parcel;

12 THENCE, South 02°42'29" East, 3710.30 feet along an easterly
13 line of said 7,550.32 acre tract to an angle point in the easterly
14 line of said 7,550.32 acre tract, and the herein described parcel;

15 THENCE, South 87°37'48" West, 2884.02 feet along an easterly
16 line of said 7,550.32 acre tract to an angle point in the easterly
17 line of said 7,550.32 acre tract, and the herein described parcel;

18 THENCE, South 02°20'58" East, 5376.03 feet along an easterly
19 line of said 7,550.32 acre tract to an angle point in the easterly
20 line of said 7,550.32 acre tract, and the herein described parcel;

21 THENCE, South 00°27'55" West, 1540.65 feet along an easterly
22 line of said 7,550.32 acre tract to an angle point in the easterly
23 line of said 7,550.32 acre tract, and a southeast corner of the
24 herein described parcel;

25 THENCE, South 87°56'51" West, 3069.76 feet along the south
26 line of said 7,550.32 acre tract to an angle point in the south line
27 of said 7,550.32 acre tract, beginning a curve to the left;

1 THENCE, along the arc of said curve to the left with a radius
2 of 26900.00 feet, an arc length of 3096.31 feet, through a delta of
3 06°35'42", and a chord bearing North 49°35'41" West, 3094.56 feet to
4 a point in a westerly line of said 7,550.32 acre tract for a
5 southeasterly corner of the herein described parcel;

6 THENCE, North 01°25'03" West, 4797.70 feet along a southerly
7 line of said 7,550.32 acre tract to an angle point in the south line
8 of said 7,550.32 acre tract, and a southeasterly corner of the
9 herein described parcel;

10 THENCE, South 87°49'10" West, 4853.49 feet along a southerly
11 line of said 7,550.32 acre tract to an angle point in the south line
12 of said 7,550.32 acre tract, and a southeasterly corner of the
13 herein described parcel;

14 THENCE, South 87°28'44" West, 4270.96 feet along a southerly
15 line of said 7,550.32 acre tract to an angle point in the south line
16 of said 7,550.32 acre tract, and a southwesterly corner of the
17 herein described parcel;

18 THENCE, North 02°50'12" West, 3505.23 feet along a southerly
19 line of said 7,550.32 acre tract to an angle point in the south line
20 of said 7,550.32 acre tract, and a southwesterly corner of the
21 herein described parcel;

22 THENCE, North 02°38'21" West, 1209.38 feet along a southerly
23 line of said 7,550.32 acre tract to an angle point in the south line
24 of said 7.550.32 acre tract, and a southwesterly corner of the
25 herein described parcel;

26 THENCE, South 87°44'33" West, 5963.89 feet along a southerly
27 line of said 7,550.32 acre tract to an angle point in the south line

1 of said 7,550.32 acre tract, and a southwesterly corner of the
2 herein described parcel beginning a curve to the left;

3 THENCE, along the arc of said curve to the left with a radius
4 of 26,900.00 feet, an arc length of 9440.21 feet, through a delta of
5 20°06'26", and a chord bearing North 38°55'44" West, 9391.81 feet to
6 a point in a northerly line of said 1,122.98 acre tract for a
7 northwest corner of the herein described parcel;

8 THENCE, North 85°18'45" East, 1259.47 feet along a northerly
9 line of said 1,122.98 acre tract to a point for a northwesterly
10 corner of the herein described parcel;

11 THENCE, North 03°09'15" West, 1541.23 feet along a northerly
12 line of said 1,122.98 acre tract to the POINT OF BEGINNING,
13 CONTAINING 7,750 acre tract.

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

21 (b) The governor, one of the required recipients, has
22 submitted the notice and Act to the Texas Commission on
23 Environmental Quality.

24 (c) The Texas Commission on Environmental Quality has filed
25 its recommendations relating to this Act with the governor, the
26 lieutenant governor, and the speaker of the house of
27 representatives within the required time.

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

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