

By: Smith of Harris

H.B. No. 4017

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 510; 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 8240 to read as follows:

CHAPTER 8240. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT

NO. 510

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8240.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Harris County Municipal Utility District No. 510.

Sec. 8240.002. 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. 8240.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8240.023 before September 1, 2011:

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

1 (A) pay any debts incurred;

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

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

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

7 Sec. 8240.004. INITIAL DISTRICT TERRITORY. (a) The
8 district is initially composed of the territory described by
9 Section 2 of the Act creating this chapter.

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

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

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

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

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

21 [Sections 8240.005-8240.020 reserved for expansion]

22 SUBCHAPTER A-1. TEMPORARY PROVISIONS

23 Sec. 8240.021. TEMPORARY DIRECTORS. (a) On or after
24 September 1, 2007, a person who owns land in the district may submit
25 a petition to the Texas Commission on Environmental Quality
26 requesting that the commission appoint as temporary directors the
27 five persons named in the petition.

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

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

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

7 (1) the date directors are elected under Section
8 8240.023; or

9 (2) the date this chapter expires under Section
10 8240.003.

11 Sec. 8240.022. ORGANIZATIONAL MEETING OF TEMPORARY
12 DIRECTORS. As soon as practicable after all the temporary
13 directors have qualified under Section 49.055, Water Code, the
14 temporary directors shall meet at a location in the district
15 agreeable to a majority of the directors. At the meeting, the
16 temporary directors shall elect officers from among the temporary
17 directors and conduct any other district business.

18 Sec. 8240.023. CONFIRMATION AND INITIAL DIRECTORS'
19 ELECTION. The temporary directors shall hold an election to
20 confirm the creation of the district and to elect five directors as
21 provided by Section 49.102, Water Code.

22 Sec. 8240.024. INITIAL ELECTED DIRECTORS; TERMS. The
23 directors elected under Section 8240.023 shall draw lots to
24 determine which two shall serve until the first regularly scheduled
25 election of directors and which three shall serve until the second
26 regularly scheduled election of directors.

27 Sec. 8240.025. EXPIRATION OF SUBCHAPTER. This subchapter

1 expires September 1, 2014.

2 [Sections 8240.026-8240.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8240.051. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five directors.

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

7 [Sections 8240.052-8240.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8240.101. MUNICIPAL UTILITY DISTRICT POWERS AND
10 DUTIES. The district has the powers and duties provided by the
11 general law of this state, including Chapters 49 and 54, Water Code,
12 applicable to municipal utility districts created under Section 59,
13 Article XVI, Texas Constitution.

14 Sec. 8240.102. ROAD PROJECTS. (a) To the extent authorized
15 by Section 52, Article III, Texas Constitution, the district may
16 construct, acquire, improve, maintain, or operate macadamized,
17 graveled, or paved roads or turnpikes, or improvements in aid of
18 those roads or turnpikes, inside the district.

19 (b) A road project must meet all applicable construction
20 standards, zoning and subdivision requirements, and regulations of
21 each municipality in whose corporate limits the district is
22 located.

23 Sec. 8240.103. DIVISION OF DISTRICT. (a) The district may
24 be divided into two new districts only if the district:

25 (1) has no outstanding bonded debt; and

26 (2) is not imposing ad valorem taxes.

27 (b) The division procedure is prescribed by Sections 53.030

1 through 53.041, Water Code.

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

4 (d) Any new district created by the division of the district
5 may not, at the time the new district is created, contain any land
6 outside the area described by Section 2 of the Act creating this
7 chapter.

8 Sec. 8240.104. COMPLIANCE WITH MUNICIPAL CONSENT
9 RESOLUTIONS. The district shall comply with all applicable
10 requirements of any ordinance or resolution adopted by the city
11 council of the City of Baytown.

12 [Sections 8240.105-8240.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8240.151. TAX TO REPAY BONDS. The district may impose
15 a tax to pay the principal of or interest on bonds or other
16 obligations issued under Section 8240.201.

17 [Sections 8240.152-8240.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 8240.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49 and 54, Water Code, to finance the
22 construction, maintenance, or operation of a project under Section
23 8240.101 or 8240.102.

24 (b) The district may not issue bonds or other obligations to
25 finance projects authorized by Section 8240.102 unless the issuance
26 is approved by a vote of a two-thirds majority of the district
27 voters voting at an election held for that purpose.

1 (c) Bonds or other obligations issued or incurred to finance
2 projects authorized by Section 8240.102 may not exceed one-fourth
3 of the assessed value of the real property in the district.

4 SECTION 2. The Harris County Municipal Utility District No.
5 510 includes all the territory contained in the following area:

6 TRACT 1

7 ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 116.133 ACRES
8 (5,058,773 SQUARE FEET) MORE OF LESS, BEING AN OVERALL DESCRIPTION
9 OF TRACTS 1, 2, 3,4 AND 5 AS DESCRIBED IN WARRANTY DEED WITH
10 VENDOR'S LIEN FROM VELMA, INC. TO GEORGE GILMAN, TRUSTEE, RECORDED
11 UNDER COUNTY CLERK'S FILE NO. F592126 OF THE OFFICIAL PUBLIC
12 RECORDS OF REAL PROPERTY, HARRIS COUNTY, TEXAS, SAID 116.133 ACRES
13 BEING COMPILED FROM DESCRIPTIONS ONLY, NO FIELD SURVEYING HAS BEEN
14 DONE, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
15 FOLLOWS;

16 BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF
17 INTERSTATE HIGHWAY NO. 10, WITH THE WEST BOUNDARY LINE OF A 203 ACRE
18 TRACT KNOWN AS TRACT 4 OF THE GEORGE ELLIS SURVEY, ABSTRACT NO.21;

19 THENCE NORTH 10 DEGREES 30 MINUTES 10 SECONDS WEST A DISTANCE OF
20 2516.60 FEET;

21 THENCE SOUTH 79 DEGREES 05 MINUTES 30 SECONDS WEST A DISTANCE OF
22 17.79 FEET;

23 THENCE NORTH 10 DEGREES 54 MINUTES 30 SECONDS WEST A DISTANCE OF
24 687.30 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

25 THENCE NORTH 79 DEGREES 23 MINUTES 30 SECONDS EAST 1238.32 FEET TO
26 THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

27 THENCE SOUTH 10 DEGREES 54 MINUTES 30 SECONDS EAST A DISTANCE OF

1 2195.79 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;
2 THENCE NORTH 78 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF
3 467.78 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF A 60 FOOT
4 WIDE ROAD;
5 THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID ROAD RIGHT-OF-WAY
6 LINE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET, A
7 CENTRAL ANGLE OF 72 DEG. 55 MIN. 26 SEC., AN ARC LENGTH OF 108.18
8 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 64 DEGREES 59
9 MINUTES 26 SECONDS EAST, 101.03 FEET TO THE END OF SAID CURVE;
10 THENCE NORTH 78 DEGREES 34 MINUTES 30 SECONDS EAST ALONG THE SOUTH
11 LINE OF SAID ROAD RIGHT-OF-WAY LINE 846.20 FEET TO THE INTERSECTION
12 OF THE SOUTH LINE OF SAID 60 FOOT WIDE ROAD WITH THE WEST
13 RIGHT-OF-WAY LINE OF CEDAR-BAYOU-CROSBY ROAD (60 FEET WIDE);
14 THENCE SOUTH 11 DEGREES 25 MINUTES 30 SECONDS EAST ALONG THE WEST
15 LINE OF SAID CEDAR-BAYOU-CROSBY ROAD A DISTANCE OF 625.00 FEET;
16 THENCE SOUTH 78 DEGREES 34 MINUTES 30 SECONDS WEST A DISTANCE OF
17 250.30 FEET;
18 THENCE SOUTH 11 DEGREES 25 MINUTES 30 SECONDS EAST A DISTANCE OF
19 207.50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY
20 NO. 10;
21 THENCE SOUTH 79 DEGREES 57 MINUTES 30 SECONDS WEST ALONG THE NORTH
22 LINE OF INTERSTATE HIGHWAY NO. 10 A DISTANCE OF 217.50 TO AN ANGLE
23 POINT;
24 THENCE SOUTH 69 DEGREES 57 MINUTES 30 SECONDS WEST ALONG THE NORTH
25 LINE OF INTERSTATE HIGHWAY NO. 10 A DISTANCE OF 103.66 TO THE
26 BEGINNING OF A CURVE;
27 THENCE IN A WESTERLY DIRECTION CONTINUING ALONG SAID HIGHWAY 10,

1 WITH A CURVE TO THE LEFT HAVING A RADIUS OF 6092.77 FEET, A CENTRAL
2 ANGLE OF 04 DEGREES 02 MINUTES 44 SECONDS, AN ARC LENGTH OF 430.21
3 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 77 DEGREES 05
4 MINUTES 58 SECONDS WEST, 430.12 FEET TO THE END OF SAID CURVE ;
5 THENCE SOUTH 75 DEGREES 54 MINUTES 30 SECONDS WEST CONTINUING ALONG
6 SAID HIGHWAY 10, A DISTANCE OF 1644.24 FEET TO THE PLACE OF
7 BEGINNING AND CONTAINING 116.13 ACRES (5,058,773 SQUARE FEET) MORE
8 OR LESS. SAID 116.133 ACRES BEING COMPILED FROM DESCRIPTIONS ONLY,
9 NO FIELD SURVEYING HAS BEEN DONE.

10 TRACT 2

11 ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 455.708 ACRES
12 (19,850,652 SQUARE FEET) MORE OF LESS, BEING AN OVERALL DESCRIPTION
13 OF THE FOLLOWING FOUR TRACTS OF LAND, A CALLED 69.95 ACRE TRACT
14 DESCRIBED IN GENERAL WARRANTY DEED RECORDED UNDER HARRIS COUNTY
15 CLERK'S FILE NO. G061967, A CALLED 116.00 ACRE TRACT DESCRIBED
16 GENERAL WARRANTY DEED RECORDED UNDER HARRIS COUNTY CLERK'S FILE
17 NO. G061963, A CALLED 43.31 ACRE TRACT DESCRIBED IN SPECIAL
18 WARRANTY DEED WITH VENDOR'S LEIN RECORDED UNDER HARRIS COUNTY
19 CLERK'S FILE NO. T086062, AND A CALLED 226.453 ACRE TRACT DESCRIBED
20 UNDER HARRIS COUNTY CLERK'S FILE NO. G350652 SAID 455.708 ACRES
21 BEING COMPILED FROM

22 DESCRIPTIONS ONLY, NO FIELD SURVEYING HAS BEEN DONE, AND BEING MORE
23 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS ;

24 BEGINNING AT THE NORTHEAST CORNER OF SAID 226.453 ACRE TRACT IN THE
25 WEST RIGHT-OF-WAY LINE OF SJOLANDER ROAD AND BEING IN THE SOUTH LINE
26 OF A SAN JACINTO RIVER AUTHORITY CANAL ;

27 THENCE SOUTH 12 DEGREES 59 MINUTES 35 SECONDS EAST ALONG THE WEST

1 LINE OF SAID SJOLANDER ROAD A DISTANCE OF 2680.36 FEET TO THE
2 NORTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING THE
3 NORTHEAST CORNER OF A CALLED 1.0 ACRE TRACT DESCRIBED IN
4 VOLUME 3142, PAGE 30 HARRIS COUNTY DEED RECORDS;
5 THENCE SOUTH 63 DEGREES 42 MINUTES 21 SECONDS WEST WITH THE NORTH
6 LINE OF SAID 1.0 ACRE TRACT A DISTANCE OF 223.99 FEET TO THE
7 NORTHWEST CORNER OF SAID 1.0 ACRE TRACT FOR A RE-ENTRANT CORNER OF
8 THE HEREIN DESCRIBED TRACT;
9 THENCE SOUTH 13 DEGREES 03 MINUTES 53 SECONDS EAST ALONG THE WEST
10 LINE OF SAID 1.0 ACRE TRACT A DISTANCE OF 200.00 FEET TO THE
11 SOUTHWEST CORNER OF SAID 1.0 ACRE TRACT AND THE SOUTHERLY SOUTHEAST
12 CORNER OF THE HEREIN DESCRIBED TRACT, LYING IN THE NORTH
13 RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 10 (WIDTH VARIES);
14 THENCE SOUTH 63 DEGREES 41 MINUTES 07 SECONDS WEST ALONG THE NORTH
15 LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 298.01 FEET TO THE
16 BEGINNING OF A CURVE;
17 THENCE IN AN WESTERLY DIRECTION CONTINUING ALONG THE NORTH LINE OF
18 SAID INTERSTATE HIGHWAY 10 WITH A CURVE TO THE RIGHT HAVING A RADIUS
19 OF 5456.18 FEET, A CENTRAL ANGLE OF 10 DEGREES 17 MINUTES 23
20 SECONDS, AN ARC LENGTH OF 979.86 FEET, AND HAVING A CHORD BEARING
21 AND DISTANCE OF SOUTH 77 DEGREES 08 MINUTES 38 SECONDS WEST, 978.54
22 FEET TO THE END OF SAID CURVE;
23 THENCE SOUTH 82 DEGREES 17 MINUTES 19 SECONDS WEST ALONG THE NORTH
24 LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 1858.84 FEET TO AN
25 ANGLE POINT IN THE NORTH LINE OF SAID INTERSTATE HIGHWAY 10;
26 THENCE SOUTH 82 DEGREES 12 MINUTES 00 SECONDS WEST CONTINUING ALONG
27 THE NORTH LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 2604.74

1 FEET TO AN ANGLE POINT IN THE NORTH LINE OF SAID INTERSTATE HIGHWAY
2 10;
3 THENCE SOUTH 82 DEGREES 17 MINUTES 14 SECONDS WEST CONTINUING ALONG
4 THE NORTH LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 608.34
5 FEET TO THE SOUTHWEST CORNER OF SAID 43.31 ACRE TRACT AND THE HEREIN
6 DESCRIBED TRACT,
7 AND BEING THE SOUTHEAST CORNER OF A CALLED 40 ACRE TRACT DESCRIBED
8 UNDER CLERK'S FILE NO. B460680;
9 THENCE NORTH 08 DEGREES 45 MINUTES 54 SECONDS WEST WITH THE EAST
10 LINE OF SAID CALLED 40 ACRE TRACT A DISTANCE OF 3087.70 FEET TO THE
11 NORTHWEST CORNER OF SAID 43.31 ACRE TRACT AND THE HEREIN DESCRIBED
12 TRACT;
13 THENCE NORTH 81 DEGREES 58 MINUTES 01 SECONDS EAST A DISTANCE OF
14 613.11 FEET TO THE NORTHEAST CORNER OF SAID 43.31 ACRE TRACT, FOR AN
15 ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
16 THENCE SOUTH 08 DEGREES 43 MINUTES 32 SECONDS EAST A DISTANCE OF
17 0.51 FEET ALONG THE EAST LINE OF SAID 43.31 ACRE TRACT TO THE
18 NORTHWEST CORNER OF SAID 116.00 ACRE TRACT;
19 THENCE NORTH 82 DEGREES 11 MINUTES 59 SECONDS EAST A DISTANCE OF
20 2637.78 FEET TO THE NORTHEAST CORNER OF SAID 69.95 ACRE TRACT, IN
21 THE WEST LINE OF SAID 226.453 ACRE TRACT;
22 THENCE NORTH 08 DEGREES 06 MINUTES 47 SECONDS WEST WITH THE WEST
23 LINE OF SAID 226.453 ACRE TRACT A DISTANCE OF 16.52 FEET TO ITS
24 NORTHWEST CORNER;
25 THENCE NORTH 81 DEGREES 59 MINUTES 51 SECONDS EAST A DISTANCE OF
26 3084.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 455.708 ACRES
27 (19,850,652 SQUARE FEET) MORE OR LESS. SAID 455.708 ACRES BEING

1 COMPILED FROM DESCRIPTIONS ONLY, NO FIELD SURVEYING HAS BEEN DONE.

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

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

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

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

20 SECTION 4. This Act takes effect on the date on or after
21 September 1, 2007, on which all of the territory described by
22 Section 2 of this Act is annexed into the City of Baytown. If the
23 annexation occurs before September 1, 2007, this Act takes effect
24 September 1, 2007.