

1-1 By: Smith of Harris (Senate Sponsor - Williams) H.B. No. 4017
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 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. 510; 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 8240 to read as follows:

1-15 CHAPTER 8240. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT
1-16 NO. 510

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8240.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Harris County Municipal
1-22 Utility District No. 510.

1-23 Sec. 8240.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district in Harris County created under and
1-25 essential to accomplish the purposes of Section 52, Article III,
1-26 and Section 59, Article XVI, Texas Constitution.

1-27 Sec. 8240.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 8240.023 before September 1, 2011:

1-30 (1) the district is dissolved September 1, 2011,
1-31 except that the district shall:

1-32 (A) pay any debts incurred;

1-33 (B) transfer to Harris County any assets that
1-34 remain after the payment of debts; and

1-35 (C) maintain the organization of the district
1-36 until all debts are paid and remaining assets are transferred; and

1-37 (2) this chapter expires September 1, 2014.

1-38 Sec. 8240.004. INITIAL DISTRICT TERRITORY. (a) The
1-39 district is initially composed of the territory described by
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of
1-42 the Act creating this chapter form a closure. A mistake made in the
1-43 field notes or in copying the field notes in the legislative process
1-44 does not affect:

1-45 (1) the organization, existence, or validity of the
1-46 district;

1-47 (2) the right of the district to impose taxes;

1-48 (3) the validity of the district's bonds, notes, or
1-49 indebtedness; or

1-50 (4) the legality or operation of the district or the
1-51 board.

1-52 [Sections 8240.005-8240.020 reserved for expansion]

1-53 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-54 Sec. 8240.021. TEMPORARY DIRECTORS. (a) On or after
1-55 September 1, 2007, a person who owns land in the district may submit
1-56 a petition to the Texas Commission on Environmental Quality
1-57 requesting that the commission appoint as temporary directors the
1-58 five persons named in the petition.

1-59 (b) The commission shall appoint as temporary directors the
1-60 five persons named in the first petition received by the commission
1-61 under Subsection (a).

1-62 (c) If a temporary director fails to qualify for office, the
1-63 commission shall appoint a person to fill the vacancy.

1-64 (d) Temporary directors serve until the earlier of:

2-1 (1) the date directors are elected under Section
2-2 8240.023; or
2-3 (2) the date this chapter expires under Section
2-4 8240.003.

2-5 Sec. 8240.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-6 DIRECTORS. As soon as practicable after all the temporary
2-7 directors have qualified under Section 49.055, Water Code, the
2-8 temporary directors shall meet at a location in the district
2-9 agreeable to a majority of the directors. At the meeting, the
2-10 temporary directors shall elect officers from among the temporary
2-11 directors and conduct any other district business.

2-12 Sec. 8240.023. CONFIRMATION AND INITIAL DIRECTORS'
2-13 ELECTION. The temporary directors shall hold an election to
2-14 confirm the creation of the district and to elect five directors as
2-15 provided by Section 49.102, Water Code.

2-16 Sec. 8240.024. INITIAL ELECTED DIRECTORS; TERMS. The
2-17 directors elected under Section 8240.023 shall draw lots to
2-18 determine which two shall serve until the first regularly scheduled
2-19 election of directors and which three shall serve until the second
2-20 regularly scheduled election of directors.

2-21 Sec. 8240.025. EXPIRATION OF SUBCHAPTER. This subchapter
2-22 expires September 1, 2014.

2-23 [Sections 8240.026-8240.050 reserved for expansion]

2-24 SUBCHAPTER B. BOARD OF DIRECTORS

2-25 Sec. 8240.051. GOVERNING BODY; TERMS. (a) The district is
2-26 governed by a board of five directors.

2-27 (b) Directors serve staggered four-year terms.

2-28 [Sections 8240.052-8240.100 reserved for expansion]

2-29 SUBCHAPTER C. POWERS AND DUTIES

2-30 Sec. 8240.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-31 DUTIES. The district has the powers and duties provided by the
2-32 general law of this state, including Chapters 49 and 54, Water Code,
2-33 applicable to municipal utility districts created under Section 59,
2-34 Article XVI, Texas Constitution.

2-35 Sec. 8240.102. ROAD PROJECTS. (a) To the extent authorized
2-36 by Section 52, Article III, Texas Constitution, the district may
2-37 construct, acquire, improve, maintain, or operate macadamized,
2-38 graveled, or paved roads or turnpikes, or improvements in aid of
2-39 those roads or turnpikes, inside the district.

2-40 (b) A road project must meet all applicable construction
2-41 standards, zoning and subdivision requirements, and regulations of
2-42 each municipality in whose corporate limits the district is
2-43 located.

2-44 Sec. 8240.103. DIVISION OF DISTRICT. (a) The district may
2-45 be divided into two new districts only if the district:

2-46 (1) has no outstanding bonded debt; and

2-47 (2) is not imposing ad valorem taxes.

2-48 (b) The division procedure is prescribed by Sections 53.030
2-49 through 53.041, Water Code.

2-50 (c) Any new district created by the division of the district
2-51 has all the powers and duties of the district.

2-52 (d) Any new district created by the division of the district
2-53 may not, at the time the new district is created, contain any land
2-54 outside the area described by Section 2 of the Act creating this
2-55 chapter.

2-56 Sec. 8240.104. COMPLIANCE WITH MUNICIPAL CONSENT
2-57 RESOLUTIONS. The district shall comply with all applicable
2-58 requirements of any ordinance or resolution adopted by the city
2-59 council of the City of Baytown.

2-60 [Sections 8240.105-8240.150 reserved for expansion]

2-61 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-62 Sec. 8240.151. TAX TO REPAY BONDS. The district may impose
2-63 a tax to pay the principal of or interest on bonds or other
2-64 obligations issued under Section 8240.201.

2-65 [Sections 8240.152-8240.200 reserved for expansion]

2-66 SUBCHAPTER E. BONDS

2-67 Sec. 8240.201. AUTHORITY TO ISSUE BONDS AND OTHER
2-68 OBLIGATIONS. (a) The district may issue bonds or other obligations
2-69 as provided by Chapters 49 and 54, Water Code, to finance the

3-1 construction, maintenance, or operation of a project under Section
 3-2 8240.101 or 8240.102.

3-3 (b) The district may not issue bonds or other obligations to
 3-4 finance projects authorized by Section 8240.102 unless the issuance
 3-5 is approved by a vote of a two-thirds majority of the district
 3-6 voters voting at an election held for that purpose.

3-7 (c) Bonds or other obligations issued or incurred to finance
 3-8 projects authorized by Section 8240.102 may not exceed one-fourth
 3-9 of the assessed value of the real property in the district.

3-10 SECTION 2. The Harris County Municipal Utility District No.
 3-11 510 includes all the territory contained in the following area:

3-12 TRACT 1

3-13 ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 116.133 ACRES
 3-14 (5,058,773 SQUARE FEET) MORE OF LESS, BEING AN OVERALL DESCRIPTION
 3-15 OF TRACTS 1, 2, 3,4 AND 5 AS DESCRIBED IN WARRANTY DEED WITH
 3-16 VENDOR'S LIEN FROM VELMA, INC. TO GEORGE GILMAN, TRUSTEE, RECORDED
 3-17 UNDER COUNTY CLERK'S FILE NO. F592126 OF THE OFFICIAL PUBLIC
 3-18 RECORDS OF REAL PROPERTY, HARRIS COUNTY, TEXAS, SAID 116.133 ACRES
 3-19 BEING COMPILED FROM DESCRIPTIONS ONLY, NO FIELD SURVEYING HAS BEEN
 3-20 DONE, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
 3-21 FOLLOWS;

3-22 BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF
 3-23 INTERSTATE HIGHWAY NO. 10, WITH THE WEST BOUNDARY LINE OF A 203 ACRE
 3-24 TRACT KNOWN AS TRACT 4 OF THE GEORGE ELLIS SURVEY, ABSTRACT NO.21;
 3-25 THENCE NORTH 10 DEGREES 30 MINUTES 10 SECONDS WEST A DISTANCE OF
 3-26 2516.60 FEET;

3-27 THENCE SOUTH 79 DEGREES 05 MINUTES 30 SECONDS WEST A DISTANCE OF
 3-28 17.79 FEET;

3-29 THENCE NORTH 10 DEGREES 54 MINUTES 30 SECONDS WEST A DISTANCE OF
 3-30 687.30 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

3-31 THENCE NORTH 79 DEGREES 23 MINUTES 30 SECONDS EAST 1238.32 FEET TO
 3-32 THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

3-33 THENCE SOUTH 10 DEGREES 54 MINUTES 30 SECONDS EAST A DISTANCE OF
 3-34 2195.79 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

3-35 THENCE NORTH 78 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF
 3-36 467.78 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF A 60 FOOT
 3-37 WIDE ROAD;

3-38 THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID ROAD RIGHT-OF-WAY
 3-39 LINE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET, A
 3-40 CENTRAL ANGLE OF 72 DEG. 55 MIN. 26 SEC., AN ARC LENGTH OF 108.18
 3-41 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 64 DEGREES 59
 3-42 MINUTES 26 SECONDS EAST, 101.03 FEET TO THE END OF SAID CURVE;

3-43 THENCE NORTH 78 DEGREES 34 MINUTES 30 SECONDS EAST ALONG THE SOUTH
 3-44 LINE OF SAID ROAD RIGHT-OF-WAY LINE 846.20 FEET TO THE INTERSECTION
 3-45 OF THE SOUTH LINE OF SAID 60 FOOT WIDE ROAD WITH THE WEST
 3-46 RIGHT-OF-WAY LINE OF CEDAR-BAYOU-CROSBY ROAD (60 FEET WIDE);

3-47 THENCE SOUTH 11 DEGREES 25 MINUTES 30 SECONDS EAST ALONG THE WEST
 3-48 LINE OF SAID CEDAR-BAYOU-CROSBY ROAD A DISTANCE OF 625.00 FEET;

3-49 THENCE SOUTH 78 DEGREES 34 MINUTES 30 SECONDS WEST A DISTANCE OF
 3-50 250.30 FEET;

3-51 THENCE SOUTH 11 DEGREES 25 MINUTES 30 SECONDS EAST A DISTANCE OF
 3-52 207.50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY
 3-53 NO. 10;

3-54 THENCE SOUTH 79 DEGREES 57 MINUTES 30 SECONDS WEST ALONG THE NORTH
 3-55 LINE OF INTERSTATE HIGHWAY NO. 10 A DISTANCE OF 217.50 TO AN ANGLE
 3-56 POINT;

3-57 THENCE SOUTH 69 DEGREES 57 MINUTES 30 SECONDS WEST ALONG THE NORTH
 3-58 LINE OF INTERSTATE HIGHWAY NO. 10 A DISTANCE OF 103.66 TO THE
 3-59 BEGINNING OF A CURVE;

3-60 THENCE IN A WESTERLY DIRECTION CONTINUING ALONG SAID HIGHWAY 10,
 3-61 WITH A CURVE TO THE LEFT HAVING A RADIUS OF 6092.77 FEET, A CENTRAL
 3-62 ANGLE OF 04 DEGREES 02 MINUTES 44 SECONDS, AN ARC LENGTH OF 430.21
 3-63 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 77 DEGREES 05
 3-64 MINUTES 58 SECONDS WEST, 430.12 FEET TO THE END OF SAID CURVE;

3-65 THENCE SOUTH 75 DEGREES 54 MINUTES 30 SECONDS WEST CONTINUING ALONG
 3-66 SAID HIGHWAY 10, A DISTANCE OF 1644.24 FEET TO THE PLACE OF
 3-67 BEGINNING AND CONTAINING 116.13 ACRES (5,058,773 SQUARE FEET) MORE
 3-68 OR LESS. SAID 116.133 ACRES BEING COMPILED FROM DESCRIPTIONS ONLY,
 3-69 NO FIELD SURVEYING HAS BEEN DONE.

4-1 TRACT 2
 4-2 ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 455.708 ACRES
 4-3 (19,850,652 SQUARE FEET) MORE OF LESS, BEING AN OVERALL DESCRIPTION
 4-4 OF THE FOLLOWING FOUR TRACTS OF LAND, A CALLED 69.95 ACRE TRACT
 4-5 DESCRIBED IN GENERAL WARRANTY DEED RECORDED UNDER HARRIS COUNTY
 4-6 CLERK'S FILE NO. G061967, A CALLED 116.00 ACRE TRACT DESCRIBED
 4-7 GENERAL WARRANTY DEED RECORDED UNDER HARRIS COUNTY CLERK'S FILE
 4-8 NO. G061963, A CALLED 43.31 ACRE TRACT DESCRIBED IN SPECIAL
 4-9 WARRANTY DEED WITH VENDOR'S LEIN RECORDED UNDER HARRIS COUNTY
 4-10 CLERK'S FILE NO. T086062, AND A CALLED 226.453 ACRE TRACT DESCRIBED
 4-11 UNDER HARRIS COUNTY CLERK'S FILE NO. G350652 SAID 455.708 ACRES
 4-12 BEING COMPILED FROM
 4-13 DESCRIPTIONS ONLY, NO FIELD SURVEYING HAS BEEN DONE, AND BEING MORE
 4-14 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;
 4-15 BEGINNING AT THE NORTHEAST CORNER OF SAID 226.453 ACRE TRACT IN THE
 4-16 WEST RIGHT-OF-WAY LINE OF SJOLANDER ROAD AND BEING IN THE SOUTH LINE
 4-17 OF A SAN JACINTO RIVER AUTHORITY CANAL;
 4-18 THENCE SOUTH 12 DEGREES 59 MINUTES 35 SECONDS EAST ALONG THE WEST
 4-19 LINE OF SAID SJOLANDER ROAD A DISTANCE OF 2680.36 FEET TO THE
 4-20 NORTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING THE
 4-21 NORTHEAST CORNER OF A CALLED 1.0 ACRE TRACT DESCRIBED IN
 4-22 VOLUME 3142, PAGE 30 HARRIS COUNTY DEED RECORDS;
 4-23 THENCE SOUTH 63 DEGREES 42 MINUTES 21 SECONDS WEST WITH THE NORTH
 4-24 LINE OF SAID 1.0 ACRE TRACT A DISTANCE OF 223.99 FEET TO THE
 4-25 NORTHWEST CORNER OF SAID 1.0 ACRE TRACT FOR A RE-ENTRANT CORNER OF
 4-26 THE HEREIN DESCRIBED TRACT;
 4-27 THENCE SOUTH 13 DEGREES 03 MINUTES 53 SECONDS EAST ALONG THE WEST
 4-28 LINE OF SAID 1.0 ACRE TRACT A DISTANCE OF 200.00 FEET TO THE
 4-29 SOUTHWEST CORNER OF SAID 1.0 ACRE TRACT AND THE SOUTHERLY SOUTHEAST
 4-30 CORNER OF THE HEREIN DESCRIBED TRACT, LYING IN THE NORTH
 4-31 RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 10 (WIDTH VARIES);
 4-32 THENCE SOUTH 63 DEGREES 41 MINUTES 07 SECONDS WEST ALONG THE NORTH
 4-33 LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 298.01 FEET TO THE
 4-34 BEGINNING OF A CURVE;
 4-35 THENCE IN AN WESTERLY DIRECTION CONTINUING ALONG THE NORTH LINE OF
 4-36 SAID INTERSTATE HIGHWAY 10 WITH A CURVE TO THE RIGHT HAVING A RADIUS
 4-37 OF 5456.18 FEET, A CENTRAL ANGLE OF 10 DEGREES 17 MINUTES 23
 4-38 SECONDS, AN ARC LENGTH OF 979.86 FEET, AND HAVING A CHORD BEARING
 4-39 AND DISTANCE OF SOUTH 77 DEGREES 08 MINUTES 38 SECONDS WEST, 978.54
 4-40 FEET TO THE END OF SAID CURVE;
 4-41 THENCE SOUTH 82 DEGREES 17 MINUTES 19 SECONDS WEST ALONG THE NORTH
 4-42 LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 1858.84 FEET TO AN
 4-43 ANGLE POINT IN THE NORTH LINE OF SAID INTERSTATE HIGHWAY 10;
 4-44 THENCE SOUTH 82 DEGREES 12 MINUTES 00 SECONDS WEST CONTINUING ALONG
 4-45 THE NORTH LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 2604.74
 4-46 FEET TO AN ANGLE POINT IN THE NORTH LINE OF SAID INTERSTATE HIGHWAY
 4-47 10;
 4-48 THENCE SOUTH 82 DEGREES 17 MINUTES 14 SECONDS WEST CONTINUING ALONG
 4-49 THE NORTH LINE OF SAID INTERSTATE HIGHWAY 10 A DISTANCE OF 608.34
 4-50 FEET TO THE SOUTHWEST CORNER OF SAID 43.31 ACRE TRACT AND THE HEREIN
 4-51 DESCRIBED TRACT,
 4-52 AND BEING THE SOUTHEAST CORNER OF A CALLED 40 ACRE TRACT DESCRIBED
 4-53 UNDER CLERK'S FILE NO. B460680;
 4-54 THENCE NORTH 08 DEGREES 45 MINUTES 54 SECONDS WEST WITH THE EAST
 4-55 LINE OF SAID CALLED 40 ACRE TRACT A DISTANCE OF 3087.70 FEET TO THE
 4-56 NORTHWEST CORNER OF SAID 43.31 ACRE TRACT AND THE HEREIN DESCRIBED
 4-57 TRACT;
 4-58 THENCE NORTH 81 DEGREES 58 MINUTES 01 SECONDS EAST A DISTANCE OF
 4-59 613.11 FEET TO THE NORTHEAST CORNER OF SAID 43.31 ACRE TRACT, FOR AN
 4-60 ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
 4-61 THENCE SOUTH 08 DEGREES 43 MINUTES 32 SECONDS EAST A DISTANCE OF
 4-62 0.51 FEET ALONG THE EAST LINE OF SAID 43.31 ACRE TRACT TO THE
 4-63 NORTHWEST CORNER OF SAID 116.00 ACRE TRACT;
 4-64 THENCE NORTH 82 DEGREES 11 MINUTES 59 SECONDS EAST A DISTANCE OF
 4-65 2637.78 FEET TO THE NORTHEAST CORNER OF SAID 69.95 ACRE TRACT, IN
 4-66 THE WEST LINE OF SAID 226.453 ACRE TRACT;
 4-67 THENCE NORTH 08 DEGREES 06 MINUTES 47 SECONDS WEST WITH THE WEST
 4-68 LINE OF SAID 226.453 ACRE TRACT A DISTANCE OF 16.52 FEET TO ITS
 4-69 NORTHWEST CORNER;

5-1 THENCE NORTH 81 DEGREES 59 MINUTES 51 SECONDS EAST A DISTANCE OF
5-2 3084.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 455.708 ACRES
5-3 (19,850,652 SQUARE FEET) MORE OR LESS. SAID 455.708 ACRES BEING
5-4 COMPILED FROM DESCRIPTIONS ONLY, NO FIELD SURVEYING HAS BEEN DONE.

5-5 SECTION 3. (a) The legal notice of the intention to
5-6 introduce this Act, setting forth the general substance of this
5-7 Act, has been published as provided by law, and the notice and a
5-8 copy of this Act have been furnished to all persons, agencies,
5-9 officials, or entities to which they are required to be furnished
5-10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-11 Government Code.

5-12 (b) The governor, one of the required recipients, has
5-13 submitted the notice and Act to the Texas Commission on
5-14 Environmental Quality.

5-15 (c) The Texas Commission on Environmental Quality has filed
5-16 its recommendations relating to this Act with the governor, the
5-17 lieutenant governor, and the speaker of the house of
5-18 representatives within the required time.

5-19 (d) All requirements of the constitution and laws of this
5-20 state and the rules and procedures of the legislature with respect
5-21 to the notice, introduction, and passage of this Act are fulfilled
5-22 and accomplished.

5-23 SECTION 4. This Act takes effect on the date on or after
5-24 September 1, 2007, on which all of the territory described by
5-25 Section 2 of this Act is annexed into the City of Baytown. If the
5-26 annexation occurs before September 1, 2007, this Act takes effect
5-27 September 1, 2007.

5-28 * * * * *