

By: Creighton

H.B. No. 4714

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 495; providing authority to impose a tax and issue bonds; granting a limited 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 8350 to read as follows:

CHAPTER 8350. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 495

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8350.001. 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. 495.

Sec. 8350.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8350.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8350.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8350.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has
2 consented by ordinance or resolution to the creation of the
3 district and to the inclusion of land in the district.

4 Sec. 8350.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
5 The district is created to serve a public purpose and benefit.

6 (b) The district is created to accomplish the purposes of:

7 (1) a municipal utility district as provided by
8 general law and Section 59, Article XVI, Texas Constitution; and

9 (2) Section 52, Article III, Texas Constitution, that
10 relate to the construction, acquisition, or improvement of
11 macadamized, graveled, or paved roads described by Section 54.234,
12 Water Code, or improvements, including storm drainage, in aid of
13 those roads.

14 Sec. 8350.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

17 (b) The boundaries and field notes contained in Section 2 of
18 the Act creating this chapter form a closure. A mistake made in the
19 field notes or in copying the field notes in the legislative process
20 does not affect the district's:

21 (1) organization, existence, or validity;

22 (2) right to issue any type of bond for the purposes
23 for which the district is created or to pay the principal of and
24 interest on a bond;

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8350.007-8350.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8350.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8350.052, directors serve
5 staggered four-year terms.

6 Sec. 8350.052. TEMPORARY DIRECTORS. (a) On or after the
7 effective date of the Act creating this chapter, the owner or owners
8 of a majority of the assessed value of the real property in the
9 district may submit a petition to the Texas Commission on
10 Environmental Quality requesting that the commission appoint as
11 temporary directors the five persons named in the petition. The
12 commission shall appoint as temporary directors the five persons
13 named in the petition.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8350.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act creating this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8350.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8350.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the Texas Commission on Environmental
4 Quality requesting that the commission appoint as successor
5 temporary directors the five persons named in the petition. The
6 commission shall appoint as successor temporary directors the five
7 persons named in the petition.

8 [Sections 8350.053-8350.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8350.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8350.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8350.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve, and
21 convey to this state, a county, or a municipality for operation and
22 maintenance macadamized, graveled, or paved roads described by
23 Section 54.234, Water Code, or improvements, including storm
24 drainage, in aid of those roads.

25 (b) The district may exercise the powers provided by this
26 section without submitting a petition to or obtaining approval from
27 the Texas Commission on Environmental Quality as required by

1 Section 54.234, Water Code.

2 Sec. 8350.104. APPROVAL OF ROAD PROJECT. (a) The district
3 may not undertake a road project authorized by Section 8350.103
4 unless:

5 (1) each municipality or county that will operate and
6 maintain the road has approved the plans and specifications of the
7 road project, if a municipality or county will operate and maintain
8 the road; or

9 (2) the Texas Transportation Commission has approved
10 the plans and specifications of the road project, if the state will
11 operate and maintain the road.

12 (b) Except as provided by Subsection (a), the district is
13 not required to obtain approval from the Texas Transportation
14 Commission to design, acquire, construct, finance, issue bonds for,
15 improve, or convey a road project.

16 Sec. 8350.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
17 OR RESOLUTION. The district shall comply with all applicable
18 requirements of any ordinance or resolution that is adopted under
19 Section 54.016 or 54.0165, Water Code, and that consents to the
20 creation of the district or to the inclusion of land in the
21 district.

22 Sec. 8350.106. LIMITATION ON USE OF EMINENT DOMAIN. The
23 district may not exercise the power of eminent domain outside the
24 district to acquire a site or easement for:

25 (1) a road project authorized by Section 8350.103; or

26 (2) a recreational facility as defined by Section
27 49.462, Water Code.

1 [Sections 8350.107-8350.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8350.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
4 district may issue, without an election, bonds and other
5 obligations secured by:

6 (1) revenue other than ad valorem taxes; or

7 (2) contract payments described by Section 8350.153.

8 (b) The district must hold an election in the manner
9 provided by Chapters 49 and 54, Water Code, to obtain voter approval
10 before the district may impose an ad valorem tax or issue bonds
11 payable from ad valorem taxes.

12 (c) The district may not issue bonds payable from ad valorem
13 taxes to finance a road project unless the issuance is approved by a
14 vote of a two-thirds majority of the district voters voting at an
15 election held for that purpose.

16 Sec. 8350.152. OPERATION AND MAINTENANCE TAX. (a) If
17 authorized at an election held under Section 8350.151, the district
18 may impose an operation and maintenance tax on taxable property in
19 the district in accordance with Section 49.107, Water Code.

20 (b) The board shall determine the tax rate. The rate may not
21 exceed the rate approved at the election.

22 Sec. 8350.153. CONTRACT TAXES. (a) In accordance with
23 Section 49.108, Water Code, the district may impose a tax other than
24 an operation and maintenance tax and use the revenue derived from
25 the tax to make payments under a contract after the provisions of
26 the contract have been approved by a majority of the district voters
27 voting at an election held for that purpose.

1 (b) A contract approved by the district voters may contain a
2 provision stating that the contract may be modified or amended by
3 the board without further voter approval.

4 [Sections 8350.154-8350.200 reserved for expansion]

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 8350.201. AUTHORITY TO ISSUE BONDS AND OTHER
7 OBLIGATIONS. The district may issue bonds or other obligations
8 payable wholly or partly from ad valorem taxes, impact fees,
9 revenue, contract payments, grants, or other district money, or any
10 combination of those sources, to pay for any authorized district
11 purpose.

12 Sec. 8350.202. TAXES FOR BONDS. At the time the district
13 issues bonds payable wholly or partly from ad valorem taxes, the
14 board shall provide for the annual imposition of a continuing
15 direct ad valorem tax, without limit as to rate or amount, while all
16 or part of the bonds are outstanding as required and in the manner
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 8350.203. BONDS FOR ROAD PROJECTS. At the time of
19 issuance, the total principal amount of bonds or other obligations
20 issued or incurred to finance road projects and payable from ad
21 valorem taxes may not exceed one-fourth of the assessed value of the
22 real property in the district.

23 SECTION 2. The Harris County Municipal Utility District No.
24 495 initially includes all the territory contained in the following
25 area:

26 BEING A 320.2 ACRE TRACT OF LAND LYING IN SECTION 60, BLOCK 2
27 OF THE H. & T.C. R.R. CO. SURVEY, THE H. HUSKEY SURVEY, ABSTRACT

1 1525, THE S. POST SURVEY, ABSTRACT 1422 AND THE W. SALYARS SURVEY,
2 ABSTRACT 1532, ALL SURVEYS LYING WITHIN HARRIS COUNTY, TEXAS,
3 CONTAINING BLOCKS 1-5 OF THE LUCKY HIT ORANGE DEVELOPMENT COLONY AS
4 RECORDED IN VOLUME 2, PAGE 39 OF THE MAP RECORDS OF HARRIS COUNTY
5 AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

6 BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF KATY
7 -HOCKLEY CUT OFF ROAD (60 FEET WIDE) AND STOCKDICK SCHOOL ROAD (60
8 FEET WIDE) AS RECORDED IN VOLUME 2, PAGE 39 OF THE MAP RECORDS OF
9 HARRIS COUNTY, BEING THE SOUTHEAST CORNER OF SECTION 67, BLOCK 2 OF
10 THE H. & T.C. R.R. CO. SURVEY, THE NORTHWEST CORNER OF SECTION 61,
11 BLOCK 2 OF THE H. & T.C. R.R. CO. SURVEY, THE SOUTHWEST CORNER OF
12 SECTION 60, BLOCK 2, THE LUCKY HIT ORANGE DEVELOPMENT COLONY AND OF
13 THE HEREIN DESCRIBED TRACT;

14 THENCE N 00°02'44" W (CALLED NORTH), ALONG THE COMMON LINE OF
15 SECTION 67 AND SECTION 60, THE WEST LINE OF SAID LUCKY HIT ORANGE
16 DEVELOPMENT COLONY AND THIS TRACT, 2,639.49 FEET (CALLED 2,640
17 FEET) TO A POINT FOR THE NORTHWEST CORNER OF SAID LUCKY HIT ORANGE
18 DEVELOPMENT COLONY AND OF THE HEREIN DESCRIBED TRACT;

19 THENCE S 89°53'17" E (CALLED WEST), ALONG THE CENTERLINE OF AN
20 UNNAMED ROAD (30 FEET WIDE) AS RECORDED IN VOLUME 2, PAGE 39 OF THE
21 MAP RECORDS OF HARRIS COUNTY, THE SOUTH LINE OF A 17.00 ACRE
22 (CALLED) TRACT OF LAND AS DESCRIBED IN DOCUMENT RECORDED IN HARRIS
23 COUNTY CLERK'S FILE NUMBER S147734, THE NORTH LINE OF SAID LUCKY HIT
24 ORANGE DEVELOPMENT COLONY AND OF THIS TRACT, AT 2,639.94 FEET
25 (CALLED 2,640 FEET) TO A POINT FOR THE SOUTHEAST CORNER OF SAID
26 17.00 ACRE TRACT, A SOUTHWEST CORNER OF A 177.00 ACRE (CALLED) TRACT
27 DESCRIBED IN DOCUMENT RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER

1 M453894, THE MOST NORTHERLY NORTHEAST CORNER OF SAID LUCKY HIT
2 ORANGE DEVELOPMENT COLONY AND AN ANGLE POINT IN THE NORTH LINE OF
3 THE HEREIN DESCRIBED TRACT;

4 THENCE S 89°58'29" E (CALLED WEST), ALONG THE SOUTH LINE OF
5 SAID 177.00 ACRE TRACT AND THE NORTH LINE OF THIS TRACT, 2,640.00
6 FEET TO A POINT LYING IN THE WEST LINE OF SECTION 47 OF THE H. & T.C.
7 R.R. COMPANY SURVEY, ABSTRACT 440 HARRIS COUNTY, TEXAS AND THE EAST
8 LINE OF SAID SECTION 60, BLOCK 2 FOR THE NORTHEAST CORNER OF THE
9 HEREIN DESCRIBED TRACT;

10 THENCE SOUTH, ALONG THE COMMON LINE OF SECTION 47 AND SECTION
11 60, 2,646.86 FEET (CALLED 2,640 FEET) TO A POINT LYING IN THE
12 CENTERLINE OF THE AFORESAID STOCKDICK SCHOOL ROAD, ON THE NORTH
13 LINE OF SAID SECTION 61, FOR THE SOUTHWEST CORNER OF SECTION 47, THE
14 SOUTHEAST CORNER OF SECTION 60 AND OF THE HEREIN DESCRIBED TRACT;

15 THENCE N 89°51'05" W (CALLED WEST), ALONG THE CENTERLINE OF
16 STOCKDICK SCHOOL ROAD, THE NORTH LINE OF SECTION 61, THE SOUTH LINE
17 OF SECTION 60 AND OF THE HEREIN DESCRIBED TRACT, 5,277.85 FEET
18 (CALLED 5,280 FEET) TO THE POINT OF BEGINNING AND CONTAINING 320.2
19 ACRES OF LAND MORE OR LESS.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.