

By: Creighton

H.B. No. 4716

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 525; 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 8326 to read as follows:

CHAPTER 8326. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 525

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8326.001. 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. 525.

Sec. 8326.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8326.003. 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. 8326.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8326.003 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. 8326.005. 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. 8326.006. 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 8326.007-8326.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8326.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8326.052, directors serve staggered four-year terms.

Sec. 8326.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8326.003; or

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

(c) If permanent directors have not been elected under Section 8326.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8326.003; or

(2) the fourth anniversary of the date of the 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 commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 [Sections 8326.053-8326.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8326.101. 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. 8326.102. 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. 8326.103. 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. 8326.104. APPROVAL OF ROAD PROJECT. (a) The district
3 may not undertake a road project authorized by Section 8326.103
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. 8326.105. 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. 8326.106. 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 8326.103; or

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

1 [Sections 8326.107-8326.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8326.151. 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 8326.153.

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. 8326.152. OPERATION AND MAINTENANCE TAX. (a) If
17 authorized at an election held under Section 8326.151, 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. 8326.153. 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 8326.154-8326.200 reserved for expansion]

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 8326.201. 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. 8326.202. 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. 8326.203. 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.
24 525 initially includes all the territory contained in the following
25 area:

26 TRACT 1

27 Being a tract of land containing 383.184 acres, located in

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1 the William Whitlock League, Abstract-85 in Harris County, Texas;
2 Said 383.184 acre tract being all of a called 383.184 acre tract of
3 land of record in the name of Crystal Clear Realty, Ltd., in Harris
4 County Clerk's File (H.C.C.F.) Number X992419; said 383.184 acre
5 tract being more particularly described by metes and bounds as
6 follows (all bearings are based on the north Right-Of-Way (R.O.W.)
7 line of Foley Road (80 feet wide) with a bearing of North 87 degrees
8 16 minutes 12 seconds East as reflected in Volume 4457, Page 321, of
9 the Harris County Deed Records (H.C.D.R.)):

10 Beginning at a 1/2-inch iron rod found at the southeast
11 corner of aforesaid 383.184 acre tract being on the east line of a
12 50 foot wide United Gas Pipeline Easement as redefined in Volume
13 2350, Page 287, H.C.D.R., and being on the north R.O.W. line of
14 aforesaid Foley Road;

15 Thence, with the north R.O.W. line of aforesaid Foley Road,
16 South 87 degrees 16 minutes 12 seconds West, at a distance of
17 6649.67 feet pass a 1/2-inch iron rod found at the northeast corner
18 of a call 0.0747 acre tract of land of record in the name of Robert
19 Edward Leger and Susan Leger in H.C.C.F. Number R991612, and
20 continue in all a total distance of 6771.69 feet to a 5/8-inch iron
21 rod found at the southwest corner of aforesaid 383.184 acre tract
22 and the northwest corner of aforesaid 0.0747 acre tract, and being
23 on the 45 foot contour line for Lake Houston of record in Volume
24 2479, Page 370, H.C.D.R.;

25 Thence, with aforesaid 45 foot contour line, and the 45 foot
26 contour line for Lake Houston of record in Volume 2448, Page 408,
27 the following sixteen (16) courses:

- 1 1. North 18 degrees 28 minutes 00 seconds East, a distance
2 of 610.10 feet;
- 3 2. North 73 degrees 25 minutes 00 seconds East, a distance
4 of 760.00 feet;
- 5 3. North 55 degrees 27 minutes 20 seconds East, a distance
6 of 405.37 feet;
- 7 4. North 32 degrees 50 minutes 00 seconds East, a distance
8 of 404.37 feet to an angle point, from which a found 1/2-inch iron
9 rod bears North 87 degrees 14 minutes 37 seconds East, a distance of
10 110.95 feet;
- 11 5. North 35 degrees 29 minutes 10 seconds East, a distance
12 of 127.83 feet to a 3/4-inch iron rod found at the waters edge;
- 13 6. North 07 degrees 10 minutes 00 seconds East, a distance
14 of 1052.61 feet;
- 15 7. North 57 degrees 02 minutes 40 seconds East, a distance
16 of 238.52 feet to a 5/8-inch iron rod found;
- 17 8. South 83 degrees 50 minutes 00 seconds East, a distance
18 of 370.00 feet;
- 19 9. South 62 degrees 02 minutes 15 seconds East, a distance
20 of 261.72 feet;
- 21 10. South 28 degrees 30 minutes 00 seconds East, a distance
22 of 270.00 feet to a 5/8-inch iron rod found;
- 23 11. North 35 degrees 32 minutes 21 seconds East, a distance
24 of 86.02 feet to a 5/8-inch iron rod found;
- 25 12. North 35 degrees 02 minutes 28 seconds West, a distance
26 of 292.62 feet to a 5/8-inch iron rod found;
- 27 13. North 61 degrees 00 minutes 00 seconds West, a distance

1 of 295.00 feet;

2 14. South 89 degrees 10 minutes 00 seconds West, a distance
3 of 179.00 feet;

4 15. North 63 degrees 37 minutes 05 seconds West, a distance
5 of 196.94 feet;

6 16. North 28 degrees 30 minutes 00 seconds West, a distance
7 of 118.42 feet to a 5/8-inch iron rod found at the northwest corner
8 of aforesaid 383.184 acre tract, and the southwest corner of a
9 called 361.2455 acre tract of land of record in the name of Aron S.
10 Gordon in H.C.C.F. Number G416496, from which a found 4-inch square
11 concrete marker bears South 87 degrees 16 minutes West, a distance
12 of 9.9 feet;

13 Thence, with the line common to aforesaid 383.184 and
14 361.2455 acre tracts, North 87 degrees 16 minutes 12 seconds East, a
15 distance of 5789.82 feet to a 3/4-inch iron rod set at the northeast
16 corner of said 383.184 acre tract and being on the west line of
17 aforesaid 50 foot pipeline easement;

18 Thence, with the east of aforesaid 383.184 acre tract, and
19 the west line of aforesaid 50 foot pipeline easement, the following
20 two (2) courses:

21 1. South 17 degrees 21 minutes 12 seconds West, a distance
22 of 617.08 feet to a 3/4-inch iron rod set;

23 2. South 17 degrees 28 minutes 12 seconds West, a distance
24 of 979.97 feet to a 1/2-inch iron rod with cap found at the
25 southwest corner of a 78.5886 acre tract, of record in the name of
26 Crystal Clear Realty, LTD in H.C.C.F. No. Y2211837, and being an
27 interior corner of said 383.184 acre tract;

1 Thence, with the line common to aforesaid 78.5886 and 383.184
2 acre tracts, North 87 degrees 14 minutes 37 seconds East, a distance
3 of 53.28 feet to a 1/2-inch iron rod with cap found at the east
4 corner of said 383.184 acre tract and the northwest corner of a
5 called 20.00 acre tract of land of record in the name of David
6 Spencer and wife Janna L. Spencer in H.C.C.F. Number W570995, from
7 which a found 1/2-inch iron rod bears South 50 degrees 56 minutes
8 West, a distance of 5.9 feet;

9 Thence, with the east line of said 383.184 and the east line
10 of aforesaid 50 foot pipeline easement, South 17 degrees 28 minutes
11 12 seconds West, a distance of 1381.03 feet to the Point of
12 Beginning and containing 383.184 acres of land.

13 TRACT 2

14 FIELD NOTES of a 78.3183 acre tract of land situated in the
15 William Whitlock League, Abstract No. 85, Harris County, Texas, and
16 being out of and a part of a called 108.553 acre tract of land
17 conveyed by Spur Land Company, Trustee to Paul H. Krebs, Trustee, by
18 deed dated December 14, 1994 and recorded in County Clerk's File No.
19 R198447 of the Deed Records of Harris County, Texas. This 78.3183
20 acre tract of land is more particularly described by metes and
21 bounds as follows, to-wit:

22 NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS
23 IN THE EASTERNMOST NORTH LINE AND SOUTHERNMOST EAST LINE OF A
24 108.553 ACRE TRACT OF LAND CONVEYED BY SPUR LAND COMPANY, TRUSTEE,
25 TO PAUL H. KREBS, TRUSTEE, BY DEED DATED DECEMBER 14, 1994 AND
26 RECORDED IN COUNTY CLERK'S FILE NO. R198447 OF THE OFFICIAL PUBLIC
27 RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS. REFERENCE IS MADE

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1 TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS
2 DESCRIPTION.

3 COMMENCING at a point in the west right of way line of Dallas
4 Road, 80 foot wide right of way, being the Southeast corner of a
5 361.2455 acres as per deed recorded in County Clerk's File No.
6 G416496 of the Official Public Records of Real Property of Harris
7 County, Texas and the Northeast corner of that certain 336.5 acre
8 tract of land described in Volume 3155 at Page 658 of the Deed
9 Records of Harris County, Texas.

10 THENCE: South 87°17'29" West along the South line of said
11 361.2455 acres and the North line of the residue of said 336.5 acre
12 tract for a distance of 2680.91 feet to a 3/4 inch iron rod found for
13 the Northwest corner of said residue of 336.5 acre tract, the
14 Northernmost Northeast corner of said 108.553 acres and the
15 Northeast corner and POINT OF BEGINNING of this tract.

16 THENCE: South 02°45'43" East along the East line of this
17 tract, the West line of said residue of 336.5 acre tract, the
18 Northernmost East line of said 108.553 acres and the West line of
19 the residue of said 108.553 acre tract, at 719.09 feet pass a 5/8
20 inch iron rod found for the Southwest corner of said residue of
21 336.5, an interior corner of said 108.553 acres and the Northwest
22 corner of said residue of 108.553 acre tract, in all, a total
23 distance of 1499.58 feet to a 1/2 inch iron rod, with cap, found for
24 the Southeast corner of this tract, the Southwest corner of said
25 residue of 108.553 acre tract, in the North line of a residue of
26 158.1189 acre tract (herein called Tract 3) conveyed by Kail and
27 Mackinnon-Lake Houston, LTD., to Stanley H. Voelkel, et al, by deed

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1 dated July 1, 1979 and recorded in County Clerk's File No. G226074 of
2 the Deed Records of Harris County, Texas, the South line of said
3 108.553 acres and in the North line of a 20 foot pipeline easement
4 conveyed to United Texas Transmission Company, as per deed recorded
5 in County Clerk's File No. G999981 of the Deed Records of Harris
6 County, Texas.

7 THENCE: South 87°18'10" West along the South line of this
8 tract, the South line of said 108.553 acres, the North line of said
9 residue of 158.1189 acre tract, the North line of said United Texas
10 Transmission Company easement, the North line of that certain 20.00
11 acre tract described under Harris County Clerk's File No. X174447,
12 and the North line of that certain 20.00 acre tract of land conveyed
13 to David Spencer and wife, Janna L. Spencer by Deed recorded under
14 Harris County Clerk's File No. W570995, and at 2498.63 feet pass a
15 1/2 inch iron rod, with cap, found for the Northwest corner of said
16 residue of 158.1189 acre tract, the Northwest corner of said
17 Spencer 20.00 acres and the Northeast corner of that certain
18 187.8474 acre tract conveyed by Houston Clinic, P.A. to Timothy L.
19 Sharma by Deed dated June 21, 1983 and recorded under Harris County
20 Clerk's File No. J044836; in all a total distance of 2551.72 feet to
21 a 1/2 inch iron rod, with cap, found for the Southwest corner of
22 this tract, the Southwest corner of said 108.553 acres and the
23 Southeast corner of a 195.043 acre tract conveyed by Houston
24 Clinic, P.A., to Timothy L. Sharma by deed dated June 21, 1983 and
25 recorded in County Clerk's File No. J048276 of the Deed Records of
26 Harris County, Texas.

27 THENCE: North 17°30'34" East (called in error North 16°57'15"

1 East) along the West line of this tract, the West line of said
2 108.553 acres and the East line of said 195.043 acre tract for a
3 distance of 979.97 feet to a 3/4 inch iron rod found for an angle
4 point in said line.

5 THENCE: North 17°21'56" East (called in error North 16°57'15"
6 East) along the West line of this tract, the West line of said
7 108.553 acres and the East line of said 195.043 acre tract for a
8 distance of 616.99 feet to a 3/4 inch iron rod found in the South
9 line of said 361.2455 acres for the Northwest corner of this tract,
10 the Northwest corner of said 108.553 acres and the Northeast corner
11 of said 195.043 acre tract.

12 THENCE: North 87°17'31" East along the North line of this
13 tract, the North line of said 108.553 acres and the South line of
14 said 361.2455 acre tract for a distance of 1999.88 feet (called in
15 error North 87°17'29" East 2014.67 feet) to the PLACE OF BEGINNING,
16 containing within said boundaries 78.3183 acres of land.

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

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

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