

1-1 By: Patrick S.B. No. 1039
1-2 (In the Senate - Filed February 20, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 17, 2009, reported favorably by the following
1-5 vote: Yeas 3, Nays 0; April 17, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Harris County Municipal Utility
1-9 District No. 478; providing authority to impose a tax and issue
1-10 bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8334 to read as follows:

1-14 CHAPTER 8334. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 478

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8334.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Harris County Municipal
1-20 Utility District No. 478.

1-21 Sec. 8334.002. NATURE OF DISTRICT. The district is a
1-22 municipal utility district created under Section 59, Article XVI,
1-23 Texas Constitution.

1-24 Sec. 8334.003. CONFIRMATION AND DIRECTORS' ELECTION
1-25 REQUIRED. The temporary directors shall hold an election to
1-26 confirm the creation of the district and to elect five permanent
1-27 directors as provided by Section 49.102, Water Code.

1-28 Sec. 8334.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-29 temporary directors may not hold an election under Section 8334.003
1-30 until each municipality in whose corporate limits or
1-31 extraterritorial jurisdiction the district is located has
1-32 consented by ordinance or resolution to the creation of the
1-33 district and to the inclusion of land in the district.

1-34 Sec. 8334.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-35 (a) The district is created to serve a public purpose and benefit.

1-36 (b) The district is created to accomplish the purposes of:

1-37 (1) a municipal utility district as provided by
1-38 general law and Section 59, Article XVI, Texas Constitution; and

1-39 (2) Section 52, Article III, Texas Constitution, that
1-40 relate to the construction, acquisition, or improvement of
1-41 macadamized, graveled, or paved roads described by Section 54.234,
1-42 Water Code, or improvements, including storm drainage, in aid of
1-43 those roads.

1-44 Sec. 8334.006. INITIAL DISTRICT TERRITORY. (a) The
1-45 district is initially composed of the territory described by
1-46 Section 2 of the Act creating this chapter.

1-47 (b) The boundaries and field notes contained in Section 2 of
1-48 the Act creating this chapter form a closure. A mistake made in the
1-49 field notes or in copying the field notes in the legislative process
1-50 does not affect the district's:

1-51 (1) organization, existence, or validity;

1-52 (2) right to issue any type of bond for the purposes
1-53 for which the district is created or to pay the principal of and
1-54 interest on a bond;

1-55 (3) right to impose a tax; or

1-56 (4) legality or operation.

1-57 [Sections 8334.007-8334.050 reserved for expansion]

1-58 SUBCHAPTER B. BOARD OF DIRECTORS

1-59 Sec. 8334.051. GOVERNING BODY; TERMS. (a) The district is
1-60 governed by a board of five elected directors.

1-61 (b) Except as provided by Section 8334.052, directors serve
1-62 staggered four-year terms.

1-63 Sec. 8334.052. TEMPORARY DIRECTORS. (a) On or after the
1-64 effective date of the Act creating this chapter, the owner or owners

2-1 of a majority of the assessed value of the real property in the
2-2 district may submit a petition to the Texas Commission on
2-3 Environmental Quality requesting that the commission appoint as
2-4 temporary directors the five persons named in the petition. The
2-5 commission shall appoint as temporary directors the five persons
2-6 named in the petition.

2-7 (b) Temporary directors serve until the earlier of:
2-8 (1) the date permanent directors are elected under
2-9 Section 8334.003; or
2-10 (2) the fourth anniversary of the effective date of
2-11 the Act creating this chapter.

2-12 (c) If permanent directors have not been elected under
2-13 Section 8334.003 and the terms of the temporary directors have
2-14 expired, successor temporary directors shall be appointed or
2-15 reappointed as provided by Subsection (d) to serve terms that
2-16 expire on the earlier of:

2-17 (1) the date permanent directors are elected under
2-18 Section 8334.003; or
2-19 (2) the fourth anniversary of the date of the
2-20 appointment or reappointment.

2-21 (d) If Subsection (c) applies, the owner or owners of a
2-22 majority of the assessed value of the real property in the district
2-23 may submit a petition to the commission requesting that the
2-24 commission appoint as successor temporary directors the five
2-25 persons named in the petition. The commission shall appoint as
2-26 successor temporary directors the five persons named in the
2-27 petition.

2-28 [Sections 8334.053-8334.100 reserved for expansion]

2-29 SUBCHAPTER C. POWERS AND DUTIES

2-30 Sec. 8334.101. GENERAL POWERS AND DUTIES. The district has
2-31 the powers and duties necessary to accomplish the purposes for
2-32 which the district is created.

2-33 Sec. 8334.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-34 DUTIES. The district has the powers and duties provided by the
2-35 general law of this state, including Chapters 49 and 54, Water Code,
2-36 applicable to municipal utility districts created under Section 59,
2-37 Article XVI, Texas Constitution.

2-38 Sec. 8334.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
2-39 Section 52, Article III, Texas Constitution, the district may
2-40 design, acquire, construct, finance, issue bonds for, improve, and
2-41 convey to this state, a county, or a municipality for operation and
2-42 maintenance macadamized, graveled, or paved roads described by
2-43 Section 54.234, Water Code, or improvements, including storm
2-44 drainage, in aid of those roads.

2-45 (b) The district may exercise the powers provided by this
2-46 section without submitting a petition to or obtaining approval from
2-47 the Texas Commission on Environmental Quality as required by
2-48 Section 54.234, Water Code.

2-49 Sec. 8334.104. APPROVAL OF ROAD PROJECT. (a) The district
2-50 may not undertake a road project authorized by Section 8334.103
2-51 unless:

2-52 (1) each municipality or county that will operate and
2-53 maintain the road has approved the plans and specifications of the
2-54 road project, if a municipality or county will operate and maintain
2-55 the road; or

2-56 (2) the Texas Transportation Commission has approved
2-57 the plans and specifications of the road project, if the state will
2-58 operate and maintain the road.

2-59 (b) Except as provided by Subsection (a), the district is
2-60 not required to obtain approval from the Texas Transportation
2-61 Commission to design, acquire, construct, finance, issue bonds for,
2-62 improve, or convey a road project.

2-63 Sec. 8334.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2-64 OR RESOLUTION. The district shall comply with all applicable
2-65 requirements of any ordinance or resolution that is adopted under
2-66 Section 54.016 or 54.0165, Water Code, and that consents to the
2-67 creation of the district or to the inclusion of land in the
2-68 district.

2-69 Sec. 8334.106. LIMITATION ON USE OF EMINENT DOMAIN. The

3-1 district may not exercise the power of eminent domain outside the
3-2 district to acquire a site or easement for:

- 3-3 (1) a road project authorized by Section 8334.103; or
- 3-4 (2) a recreational facility as defined by Section
- 3-5 49.462, Water Code.

3-6 [Sections 8334.107-8334.150 reserved for expansion]

3-7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-8 Sec. 8334.151. ELECTIONS REGARDING TAXES OR BONDS.

3-9 (a) The district may issue, without an election, bonds and other
3-10 obligations secured by:

- 3-11 (1) revenue other than ad valorem taxes; or
- 3-12 (2) contract payments described by Section 8334.153.

3-13 (b) The district must hold an election in the manner
3-14 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-15 before the district may impose an ad valorem tax or issue bonds
3-16 payable from ad valorem taxes.

3-17 (c) The district may not issue bonds payable from ad valorem
3-18 taxes to finance a road project unless the issuance is approved by a
3-19 vote of a two-thirds majority of the district voters voting at an
3-20 election held for that purpose.

3-21 Sec. 8334.152. OPERATION AND MAINTENANCE TAX. (a) If
3-22 authorized at an election held under Section 8334.151, the district
3-23 may impose an operation and maintenance tax on taxable property in
3-24 the district in accordance with Section 49.107, Water Code.

3-25 (b) The board shall determine the tax rate. The rate may not
3-26 exceed the rate approved at the election.

3-27 Sec. 8334.153. CONTRACT TAXES. (a) In accordance with
3-28 Section 49.108, Water Code, the district may impose a tax other than
3-29 an operation and maintenance tax and use the revenue derived from
3-30 the tax to make payments under a contract after the provisions of
3-31 the contract have been approved by a majority of the district voters
3-32 voting at an election held for that purpose.

3-33 (b) A contract approved by the district voters may contain a
3-34 provision stating that the contract may be modified or amended by
3-35 the board without further voter approval.

3-36 [Sections 8334.154-8334.200 reserved for expansion]

3-37 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-38 Sec. 8334.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-39 OBLIGATIONS. The district may issue bonds or other obligations
3-40 payable wholly or partly from ad valorem taxes, impact fees,
3-41 revenue, contract payments, grants, or other district money, or any
3-42 combination of those sources, to pay for any authorized district
3-43 purpose.

3-44 Sec. 8334.202. TAXES FOR BONDS. At the time the district
3-45 issues bonds payable wholly or partly from ad valorem taxes, the
3-46 board shall provide for the annual imposition of a continuing
3-47 direct ad valorem tax, without limit as to rate or amount, while all
3-48 or part of the bonds are outstanding as required and in the manner
3-49 provided by Sections 54.601 and 54.602, Water Code.

3-50 Sec. 8334.203. BONDS FOR ROAD PROJECTS. At the time of
3-51 issuance, the total principal amount of bonds or other obligations
3-52 issued or incurred to finance road projects and payable from ad
3-53 valorem taxes may not exceed one-fourth of the assessed value of the
3-54 real property in the district.

3-55 SECTION 2. The Harris County Municipal Utility District No.
3-56 478 initially includes all the territory contained in the following
3-57 area:

3-58 A METES AND BOUNDS description of a certain 566.80 acres of
3-59 land situated in the John Devine Survey, Abstract No. 238 and the
3-60 Isaac Ratcliff Survey, Abstract No. 664, in Harris County, Texas;
3-61 said 566.80 acre tract being more particularly described in two
3-62 tracts as follows:

3-63 TRACT 1 468.12 Acres

3-64 Field Notes for a certain 468.12 acre tract of land situated
3-65 in the John Devine Survey, Abstract No. 238 and the Isaac Ratcliff
3-66 Survey, Abstract No. 664 in Harris County, Texas; said 468.12 acre
3-67 tract being comprised of the following: a called 418.8430 acre
3-68 tract of land, less 1.5133 Acres, (Tract I) conveyed to JM Texas
3-69 Land Fund No. 4, L.P. by Correction General Warranty Deed recorded

4-1 under Clerk's File No. 20060281750 of the Harris County Official
 4-2 Public Records of Real Property, a called 2.000 acre tract of land
 4-3 conveyed to JM Texas Land Fund No. 4, L.P. by General Warranty Deed
 4-4 recorded under Clerk's File No. Z374015 of the Harris County
 4-5 Official Public Records of Real Property, a called 18.275 acre
 4-6 tract of land conveyed to JM Texas Land Fund No. 4, L.P. by General
 4-7 Warranty Deed recorded under Clerk's File No. Z224911 of the Harris
 4-8 County Official Public Records of Real Property, a called 10.200
 4-9 acre tract of land conveyed to JM Texas Land Fund No. 4, L.P. by
 4-10 Special Warranty Deed recorded under Clerk's File No. Z254218 of
 4-11 the Harris County Official Public Records of Real Property, and a
 4-12 called 20.3175 acre tract of land (Tract II) conveyed to JM Texas
 4-13 Land Fund No. 4, L.P. by Correction General Warranty Deed recorded
 4-14 under Clerk's File No. 20060281750 of the Harris County Official
 4-15 Public Records of Real Property; said 468.12 acre tract being more
 4-16 particularly described as follows with all bearings based on a call
 4-17 of North 89°41'54" East along the north line of said 418.8430 acre
 4-18 tract;

4-19 BEGINNING at the southeast corner of said called 418.8430
 4-20 acre tract, being the southeast corner of said Isaac Ratcliff
 4-21 Survey and an interior corner of the H. Ehrenberg Survey, Abstract
 4-22 No. 247;

4-23 THENCE, along the south line of said Isaac Ratcliff Survey
 4-24 and a north line of said H. Ehrenberg Survey, the following three
 4-25 (3) courses and distances:

4-26 1. South 89°58'59" West, 3754.53 feet to an angle point;
 4-27 2. North 89°09'44" West, 1391.57 feet to a point at the
 4-28 southwest corner of the aforementioned called 418.8430 acre tract,
 4-29 and the southeast corner of the aforementioned called 18.275 acre
 4-30 tract;

4-31 3. North 89°42'43" West, 150.00 feet to a point in the west
 4-32 line of said Isaac Ratcliff Survey, the east line of the
 4-33 aforementioned John Devine Survey, the southwest corner of said
 4-34 called 18.275 acre tract, and the southeast corner of the
 4-35 aforementioned called 10.200 acre tract;

4-36 THENCE, North 89°42'43" West, along the south line of said
 4-37 John Devine Survey and a north line of said H. Ehrenberg Survey,
 4-38 330.00 feet to a point at the southwest corner of said called 10.200
 4-39 acre tract and the southeast corner of the aforementioned called
 4-40 20.3175 acre tract of land;

4-41 THENCE, North 89°38'27" West, continuing along the south line
 4-42 of said John Devine Survey, 650.00 feet to a northwesterly corner of
 4-43 said H. Ehrenberg Survey and the northeast corner of the R. Hall
 4-44 Survey, Abstract No. 349, continuing in all, a total distance of
 4-45 660.00 feet to a point for corner the southwest corner of the
 4-46 aforementioned called 20.3175 acre tract and the southwest corner
 4-47 of the herein described tract;

4-48 THENCE, North 00°27'32" East, 1338.52 feet to a point for
 4-49 corner at the northwest corner of said called 20.3175 acre tract;

4-50 THENCE, North 89°55'49" East, 660.00 feet to a point for
 4-51 corner at the northeast corner of said called 20.3175 acre tract
 4-52 being in the west line of the aforementioned called 10.200 acre
 4-53 tract;

4-54 THENCE, North 00°27'28" East, along the west line of said
 4-55 called 10.200 acre tract, 2.93 feet to a point for corner;

4-56 THENCE, South 89°42'43" East, 330.00 feet to a point for
 4-57 corner being the northeast corner of said called 10.200 acre tract
 4-58 being in the east line of the aforementioned John Devine Survey;

4-59 THENCE, North 00°27'28" East, along the east line of said John
 4-60 Devine Survey, 3960.00 feet to a point for corner at the northwest
 4-61 corner of the aforementioned called 18.275 acre tract being the
 4-62 northeast corner of said John Devine Survey, the northwest corner
 4-63 of the aforementioned Isaac Ratcliff Survey, the southeast corner
 4-64 of the Stephen Jarboe Survey, Abstract No. 491, and the southwest
 4-65 corner of the Moses Merritt Survey, Abstract No. 578

4-66 THENCE, South 89°59'45" East, along the south line of said
 4-67 Moses Merritt Survey and the north line of said Isaac Ratcliff
 4-68 Survey, 150.03 feet to a point for corner being the northwest corner
 4-69 of said 18.275 acre tract;

5-1 THENCE, South 00°27'29" West, 1698.76 feet to a point for
5-2 corner being the northwest corner of the aforementioned called
5-3 418.8430 acre tract;
5-4 THENCE, North 89°41'54" East, 5076.30 feet to a point for
5-5 corner in the west right-of-way line of Katy Hockley Road;
5-6 THENCE, South 00°10'14" East, along the west right-of-way
5-7 line of Katy Hockley Road, 1406.32 feet to a point for corner;
5-8 THENCE, South 89°49'46" West, 660.00 feet to a point for
5-9 corner;
5-10 THENCE, South 00°10'14" East, 330.00 feet to a point for
5-11 corner;
5-12 THENCE, North 89°49'46" East, 660.00 feet to a point for
5-13 corner in the west right-of-way line of Katy Hockley Road;
5-14 THENCE, South 00°10'14" East, along the west right-of-way
5-15 line of Katy Hockley Road, 791.87 feet to a point for corner;
5-16 THENCE, South 87°57'45" West, 267.93 feet to a point for
5-17 corner;
5-18 THENCE, South 00°31'54" West, 48.05 feet to a point for
5-19 corner;
5-20 THENCE, South 89°08'31" West, 110.16 feet to a point for
5-21 corner;
5-22 THENCE, South 00°05'00" West, 127.00 feet to a point for
5-23 corner;
5-24 THENCE, South 81°56'26" East, 19.49 feet to a point for
5-25 corner;
5-26 THENCE, South 00°05'00" West, 61.00 feet to a point for
5-27 corner;
5-28 THENCE, South 89°38'27" East, 390.09 feet to a point for
5-29 corner in the east line of the aforementioned Isaac Ratcliff Survey
5-30 and the northeast corner of the aforementioned 2.000 acre tract;
5-31 THENCE, South 00°10'14" East, 873.64 feet to the POINT OF
5-32 BEGINNING, CONTAINING 468.12 acres of land in Harris County, Texas,
5-33 as shown on Drawing No. 6165 in the office of Cotton Surveying
5-34 Company in Houston, Texas.
5-35 TRACT 2 98.68 Acres
5-36 Field Notes for a certain 98.68 acre tract of land situated in
5-37 the John Devine Survey, Abstract No. 238 in Harris County, Texas;
5-38 said 98.68 acre tract being the same called 98.6751 acre tract of
5-39 land (Tract III) conveyed to JM Texas Land Fund No. 4, L.P. by
5-40 Correction General Warranty Deed recorded under Clerk's File No.
5-41 20060281750 of the Harris County Official Public Records of Real
5-42 Property; said 98.68 acre tract being more particularly described
5-43 as follows with all bearings based on a call of North 89°41'54" East
5-44 along the north line of a called 418.8430 acre tract of land (Tract
5-45 I) conveyed to JM Texas Land Fund No. 4, L.P. by Correction General
5-46 Warranty Deed recorded under Clerk's File No. 20060281750 of the
5-47 Harris County Official Public Records of Real Property;
5-48 COMMENCING at the southeast corner of said called 418.8430
5-49 acre tract, being the southeast corner of the Isaac Ratcliff
5-50 Survey, Abstract No. 664 and an interior corner of the H. Ehrenberg
5-51 Survey, Abstract No. 247;
5-52 THENCE, along the south line of said Isaac Ratcliff Survey
5-53 and a north line of said H. Ehrenberg Survey, the following three
5-54 (3) courses and distances:
5-55 1. South 89°58'59" West, 3754.53 feet to an angle point;
5-56 2. North 89°09'44" West, 1391.57 feet to a point at the
5-57 southwest corner of the aforementioned called 418.8430 acre tract;
5-58 3. North 89°42'43" West, 150.00 feet to a point in the west
5-59 line of said Isaac Ratcliff Survey, and the east line of the
5-60 aforementioned John Devine Survey;
5-61 THENCE, North 89°42'43" West, along the south line of said
5-62 John Devine Survey and the north line of said H. Ehrenberg Survey,
5-63 330.00 feet to a point being the southeast corner of a called
5-64 20.3175 acre tract of land (Tract II) conveyed to JM Texas Land Fund
5-65 No. 4, L.P. by Correction General Warranty Deed recorded under
5-66 Clerk's File No. 20060281750 of the Harris County Official Public
5-67 Records of Real Property;
5-68 THENCE, North 89°38'27" West, continuing along the south line
5-69 of said John Devine Survey, 650.00 feet to a northwesterly corner of

6-1 said H. Ehrenberg Survey and the northeast corner of the R. Hall
6-2 Survey, Abstract No. 349, continuing in all, a total distance of
6-3 660.00 feet to a point being the southwest corner of said called
6-4 20.3175 acre tract;

6-5 THENCE, North 89°38'27" West, 330.00 feet to the POINT OF
6-6 BEGINNING of the herein described 98.68 acre tract;

6-7 THENCE, North 89°38'27" West, continuing along the south line
6-8 of the said John Devine Survey and the north line of the said R. Hall
6-9 Survey, 3312.53 feet to a point for corner;

6-10 THENCE, North 00°12'43" East, 732.60 feet to a point for
6-11 corner;

6-12 THENCE, South 89°38'28" East, 271.60 feet to a point for
6-13 corner;

6-14 THENCE, North 00°14'06" East, 500.00 feet to a point for
6-15 corner;

6-16 THENCE, North 89°38'48" West, 871.20 feet to a point for
6-17 corner in the east right of way line of Warren Ranch Road;

6-18 THENCE, North 00°22'19" East, along said east right of way
6-19 line of Warren Ranch Road, 74.21 feet to a point for corner;

6-20 THENCE, North 89°55'49" East, 3917.53 feet to a point for
6-21 corner;

6-22 THENCE, South 00°27'35" West, 1336.05 feet to the POINT OF
6-23 BEGINNING, CONTAINING 98.68 acres of land in Harris County, Texas,
6-24 as shown on Drawing No. 6165 in the office of Cotton Surveying
6-25 Company in Houston, Texas.

6-26 SECTION 3. (a) The legal notice of the intention to
6-27 introduce this Act, setting forth the general substance of this
6-28 Act, has been published as provided by law, and the notice and a
6-29 copy of this Act have been furnished to all persons, agencies,
6-30 officials, or entities to which they are required to be furnished
6-31 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-32 Government Code.

6-33 (b) The governor, one of the required recipients, has
6-34 submitted the notice and Act to the Texas Commission on
6-35 Environmental Quality.

6-36 (c) The Texas Commission on Environmental Quality has filed
6-37 its recommendations relating to this Act with the governor, the
6-38 lieutenant governor, and the speaker of the house of
6-39 representatives within the required time.

6-40 (d) All requirements of the constitution and laws of this
6-41 state and the rules and procedures of the legislature with respect
6-42 to the notice, introduction, and passage of this Act are fulfilled
6-43 and accomplished.

6-44 SECTION 4. This Act takes effect immediately if it receives
6-45 a vote of two-thirds of all the members elected to each house, as
6-46 provided by Section 39, Article III, Texas Constitution. If this
6-47 Act does not receive the vote necessary for immediate effect, this
6-48 Act takes effect September 1, 2009.

6-49 * * * * *