

By: Patrick, Dan

S.B. No. 2510

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Improvement District No. 18; providing authority to impose an assessment, impose a tax, and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3879 to read as follows:

CHAPTER 3879. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 18

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3879.001. 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 Improvement District No. 18.

Sec. 3879.002. NATURE OF DISTRICT. The Harris County Improvement District No. 18 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3879.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the City of Houston, Harris County, and other political subdivisions to contract with the district, the legislature has established a

1 program to accomplish the public purposes set out in Section 52-a,  
2 Article III, Texas Constitution.

3 (b) The creation of the district is necessary to promote,  
4 develop, encourage, and maintain employment, commerce,  
5 transportation, housing, tourism, recreation, the arts,  
6 entertainment, economic development, safety, and the public  
7 welfare in the district.

8 (c) This chapter and the creation of the district may not be  
9 interpreted to relieve Harris County from providing the level of  
10 services provided, as of the effective date of the Act enacting this  
11 chapter, to the area in the district. The district is created to  
12 supplement and not to supplant the county services provided in the  
13 area in the district.

14 Sec. 3879.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
15 The district is created to serve a public use and benefit.

16 (b) All land and other property included in the district  
17 will benefit from the improvements and services to be provided by  
18 the district under powers conferred by Sections 52 and 52-a,  
19 Article III, and Section 59, Article XVI, Texas Constitution, and  
20 other powers granted under this chapter.

21 (c) The creation of the district is in the public interest  
22 and is essential to:

23 (1) further the public purposes of developing and  
24 diversifying the economy of the state;

25 (2) eliminate unemployment and underemployment; and

26 (3) develop or expand transportation and commerce.

27 (d) The district will:

1           (1) promote the health, safety, and general welfare of  
2 residents, employers, employees, potential employees, visitors,  
3 and consumers in the district, and of the public;

4           (2) provide needed funding for the district to  
5 preserve, maintain, and enhance the economic health and vitality of  
6 the district territory as a community and business center;

7           (3) promote the health, safety, welfare, and enjoyment  
8 of the public by providing pedestrian ways and by landscaping and  
9 developing certain areas in the district, which are necessary for  
10 the restoration, preservation, and enhancement of scenic beauty;  
11 and

12           (4) provide for water, wastewater, drainage, road,  
13 and recreational facilities for the district.

14           (e) Pedestrian ways along or across a street, whether at  
15 grade or above or below the surface, and street lighting, street  
16 landscaping, parking, and street art objects are parts of and  
17 necessary components of a street and are considered to be a street  
18 or road improvement.

19           (f) The district will not act as the agent or  
20 instrumentality of any private interest even though the district  
21 will benefit many private interests as well as the public.

22           Sec. 3879.005. INITIAL DISTRICT TERRITORY. (a) The  
23 district is initially composed of the territory described by  
24 Section 2 of the Act enacting this chapter.

25           (b) The boundaries and field notes contained in Section 2 of  
26 the Act enacting this chapter form a closure. A mistake in the  
27 field notes or in copying the field notes in the legislative process

1 does not affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for the purposes  
4 for which the district is created or to pay the principal of and  
5 interest on the bond;

6 (3) right to impose or collect an assessment or tax; or

7 (4) legality or operation.

8 Sec. 3879.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

9 All or any part of the area of the district is eligible to be  
10 included in:

11 (1) a tax increment reinvestment zone created under  
12 Chapter 311, Tax Code;

13 (2) a tax abatement reinvestment zone created under  
14 Chapter 312, Tax Code; or

15 (3) an enterprise zone created under Chapter 2303,  
16 Government Code.

17 Sec. 3879.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
18 DISTRICTS LAW. Except as otherwise provided by this chapter,  
19 Chapter 375, Local Government Code, applies to the district.

20 Sec. 3879.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
21 chapter shall be liberally construed in conformity with the  
22 findings and purposes stated in this chapter.

23 [Sections 3879.009-3879.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3879.051. GOVERNING BODY; TERMS. (a) The district is  
26 governed by a board of five voting directors who serve staggered  
27 terms of four years, with two or three directors' terms expiring

1 June 1 of each odd-numbered year.

2 (b) The board by resolution may change the number of voting  
3 directors on the board, but only if the board determines that the  
4 change is in the best interest of the district. The board may not  
5 consist of fewer than five or more than 15 voting directors.

6 Sec. 3879.052. APPOINTMENT OF DIRECTORS. The Texas  
7 Commission on Environmental Quality shall appoint voting directors  
8 from persons recommended by the board.

9 Sec. 3879.053. INITIAL VOTING DIRECTORS. (a) The initial  
10 board consists of the following voting directors:

<u>Pos. No. Name of Director</u>
1 <u>Robert DeForest</u>
2 <u>Burdette Keeland</u>
3 <u>Bobby Deden</u>
4 <u>Dwayne Mason</u>
5 <u>John Murphy</u>

17 (b) Of the initial directors, the terms of directors  
18 appointed for positions 1 through 3 expire June 1, 2011, and the  
19 terms of directors appointed for positions 4 and 5 expire June 1,  
20 2013.

21 (c) Section 3879.052 does not apply to this section.

22 (d) This section expires September 1, 2014.

23 Sec. 3879.054. NONVOTING DIRECTORS. The board may appoint  
24 nonvoting directors to serve at the pleasure of the voting  
25 directors.

26 Sec. 3879.055. QUORUM. For purposes of determining the  
27 requirements for a quorum of the board, the following are not

1 counted:

2 (1) a board position vacant for any reason, including  
3 death, resignation, or disqualification;

4 (2) a director who is abstaining from participation in  
5 a vote because of a conflict of interest; or

6 (3) a nonvoting director.

7 Sec. 3879.056. COMPENSATION. A director is entitled to  
8 receive fees of office and reimbursement for actual expenses as  
9 provided by Section 49.060, Water Code. Sections 375.069 and  
10 375.070, Local Government Code, do not apply to the board.

11 [Sections 3879.057-3879.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 3879.101. DEVELOPMENT CORPORATION POWERS. The  
14 district may exercise the powers given to a development corporation  
15 under Chapter 505, Local Government Code, including the power to  
16 own, operate, acquire, construct, lease, improve, or maintain a  
17 project described by that chapter.

18 Sec. 3879.102. NONPROFIT CORPORATION. (a) The board by  
19 resolution may authorize the creation of a nonprofit corporation to  
20 assist and act for the district in implementing a project or  
21 providing a service authorized by this chapter.

22 (b) The nonprofit corporation:

23 (1) has each power of and is considered for purposes of  
24 this chapter to be a local government corporation created under  
25 Chapter 431, Transportation Code; and

26 (2) may implement any project and provide any service  
27 authorized by this chapter.

1       (c) The board shall appoint the board of directors of the  
2 nonprofit corporation. The board of directors of the nonprofit  
3 corporation shall serve in the same manner as the board of directors  
4 of a local government corporation created under Chapter 431,  
5 Transportation Code, except that a board member is not required to  
6 reside in the district.

7       Sec. 3879.103. AGREEMENTS; GRANTS. (a) The district may  
8 make an agreement with or accept a gift, grant, or loan from any  
9 person.

10       (b) The implementation of a project is a governmental  
11 function or service for the purposes of Chapter 791, Government  
12 Code.

13       Sec. 3879.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT  
14 SERVICES. To protect the public interest, the district may  
15 contract with a qualified person, including Harris County or the  
16 City of Houston, for the provision of law enforcement services in  
17 the district for a fee.

18       Sec. 3879.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
19 district may join and pay dues to a charitable or nonprofit  
20 organization that performs a service or provides an activity  
21 consistent with the furtherance of a district purpose.

22       Sec. 3879.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
23 district may establish and provide for the administration of one or  
24 more programs to promote state or local economic development and to  
25 stimulate business and commercial activity in the district,  
26 including programs to:

- 27           (1) make loans and grants of public money; and

1           (2) provide district personnel and services.

2           (b) The district has all of the powers of a municipality  
3 under Chapter 380, Local Government Code.

4           Sec. 3879.107. STRATEGIC PARTNERSHIP AGREEMENT. The  
5 district may negotiate and enter into a written strategic  
6 partnership with the City of Houston as provided by Section  
7 43.0751, Local Government Code.

8           Sec. 3879.108. NO EMINENT DOMAIN. The district may not  
9 exercise the power of eminent domain.

10          Sec. 3879.109. USE OF CONDUITS. (a) The district may  
11 finance, acquire, construct, improve, operate, maintain, or charge  
12 a fee for the use of district conduits for:

13           (1) fiber-optic cable;

14           (2) electronic transmission lines; or

15           (3) other types of transmission lines and supporting  
16 facilities.

17          (b) The district may not require a person to use a district  
18 conduit.

19          Sec. 3879.110. ANNEXATION OR EXCLUSION OF LAND. (a) The  
20 district may annex land as provided by Subchapter J, Chapter 49,  
21 Water Code.

22          (b) The district may exclude land as provided by Subchapter  
23 J, Chapter 49, Water Code. Section 375.044(b), Local Government  
24 Code, does not apply to the district.

25           [Sections 3879.111-3879.150 reserved for expansion]

26           SUBCHAPTER D. PUBLIC PARKING FACILITIES

27          Sec. 3879.151. PARKING FACILITIES AUTHORIZED; OPERATION BY



1 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease  
2 as lessor or lessee, construct, develop, own, operate, and maintain  
3 parking facilities or a system of parking facilities, including:

4 (1) lots, garages, parking terminals, or other  
5 structures or accommodations for parking motor vehicles off the  
6 streets; and

7 (2) equipment, entrances, exits, fencing, and other  
8 accessories necessary for safety and convenience in parking  
9 vehicles.

10 (b) A parking facility of the district may be leased to or  
11 operated on behalf of the district by an entity other than the  
12 district.

13 (c) The district's parking facilities are a program  
14 authorized by the legislature under Section 52-a, Article III,  
15 Texas Constitution.

16 (d) The district's parking facilities serve the public  
17 purposes of the district and are owned, used, and held for a public  
18 purpose even if leased or operated by a private entity for a term of  
19 years.

20 (e) The district's public parking facilities and any lease  
21 to a private entity are exempt from the payment of ad valorem taxes  
22 and state and local sales and use taxes.

23 Sec. 3879.152. RULES. The district may adopt rules  
24 governing the district's public parking facilities.

25 Sec. 3879.153. FINANCING OF PUBLIC PARKING FACILITIES. (a)  
26 The district may use any of its resources, including revenue,  
27 assessments, taxes, or grant or contract proceeds, to pay the cost

1 of acquiring or operating public parking facilities.

2 (b) The district may:

3 (1) set, charge, impose, and collect fees, charges, or  
4 tolls for the use of the district's public parking facilities; and

5 (2) issue bonds or notes to finance the cost of the  
6 district's public parking facilities.

7 [Sections 3879.154-3879.200 reserved for expansion]

8 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

9 Sec. 3879.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
10 board by resolution shall establish the number of directors'  
11 signatures and the procedure required for a disbursement or  
12 transfer of the district's money.

13 Sec. 3879.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
14 The district may acquire, construct, finance, operate, or maintain  
15 any improvement or service authorized under this chapter or Chapter  
16 375, Local Government Code, using any money available to the  
17 district.

18 Sec. 3879.203. PETITION REQUIRED FOR FINANCING SERVICES AND  
19 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
20 service or improvement project with assessments under this chapter  
21 unless a written petition requesting that service or improvement  
22 has been filed with the board.

23 (b) A petition filed under Subsection (a) must be signed by:

24 (1) the owners of a majority of the assessed value of  
25 real property in the district subject to assessment according to  
26 the most recent certified tax appraisal roll for Harris County; or

27 (2) at least 25 persons who own real property in the

1 district subject to assessment, if more than 25 persons own real  
2 property in the district subject to assessment as determined by the  
3 most recent certified tax appraisal roll for Harris County.

4 Sec. 3879.204. METHOD OF NOTICE FOR HEARING. The district  
5 may mail the notice required by Section 375.115(c), Local  
6 Government Code, by certified or first class United States mail.  
7 The board shall determine the method of notice.

8 Sec. 3879.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
9 The board by resolution may impose and collect an assessment for any  
10 purpose authorized by this chapter in all or any part of the  
11 district.

12 (b) An assessment, a reassessment, or an assessment  
13 resulting from an addition to or correction of the assessment roll  
14 by the district, penalties and interest on an assessment or  
15 reassessment, an expense of collection, and reasonable attorney's  
16 fees incurred by the district:

17 (1) are a first and prior lien against the property  
18 assessed;

19 (2) are superior to any other lien or claim other than  
20 a lien or claim for county, school district, or municipal ad valorem  
21 taxes; and

22 (3) are the personal liability of and a charge against  
23 the owners of the property even if the owners are not named in the  
24 assessment proceedings.

25 (c) The lien is effective from the date of the board's  
26 resolution imposing the assessment until the date the assessment is  
27 paid. The board may enforce the lien in the same manner that the

1 board may enforce an ad valorem tax lien against real property.

2 (d) The board may make a correction to or deletion from the  
3 assessment roll that does not increase the amount of assessment of  
4 any parcel of land without providing notice and holding a hearing in  
5 the manner required for additional assessments.

6 Sec. 3879.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
7 ASSESSMENTS. The district may not impose an impact fee or  
8 assessment on the property, including the equipment,  
9 rights-of-way, facilities, or improvements, of:

10 (1) an electric utility or a power generation company  
11 as defined by Section 31.002, Utilities Code;

12 (2) a gas utility as defined by Section 101.003 or  
13 121.001, Utilities Code;

14 (3) a telecommunications provider as defined by  
15 Section 51.002, Utilities Code; or

16 (4) a person who provides to the public cable  
17 television or advanced telecommunications services.

18 Sec. 3879.207. RESIDENTIAL PROPERTY. Section 375.161,  
19 Local Government Code, does not apply to a tax imposed by the  
20 district.

21 Sec. 3879.208. OPERATION AND MAINTENANCE TAX. (a) If  
22 authorized at an election held in accordance with Section 3879.212,  
23 the district may impose an annual operation and maintenance tax on  
24 taxable property in the district in accordance with Section 49.107,  
25 Water Code, for any district purpose, including to:

26 (1) maintain and operate the district;

27 (2) construct or acquire improvements; or

1           (3) provide a service.

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

4           (c) Section 49.107(h), Water Code, does not apply to the  
5 district.

6           Sec. 3879.209. CONTRACT TAXES. (a) In accordance with  
7 Section 49.108, Water Code, the district may impose a tax other than  
8 an operation and maintenance tax and use the revenue derived from  
9 the tax to make payments under a contract after the provisions of  
10 the contract have been approved by a majority of the district voters  
11 voting at an election held for that purpose.

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

15           Sec. 3879.210. AUTHORITY TO BORROW MONEY AND TO ISSUE  
16 BONDS. (a) The district may borrow money on terms and conditions  
17 as determined by the board. Section 375.205, Local Government  
18 Code, does not apply to a loan, line of credit, or other borrowing  
19 from a bank or financial institution secured by revenue other than  
20 ad valorem taxes.

21           (b) The district may issue bonds, notes, or other  
22 obligations payable wholly or partly from ad valorem taxes, sales  
23 and use taxes, assessments, impact fees, revenue, contract  
24 payments, grants, or other district money, or any combination of  
25 those sources of money, to pay for any authorized district purpose.

26           (c) The limitation on the outstanding principal amount of  
27 bonds, notes, and other obligations provided by Section 49.4645,

1 Water Code, does not apply to the district.

2 Sec. 3879.211. TAXES FOR BONDS. At the time the district  
3 issues bonds payable wholly or partly from ad valorem taxes, the  
4 board shall provide for the annual imposition of a continuing  
5 direct ad valorem tax, without limit as to rate or amount, while all  
6 or part of the bonds are outstanding as required and in the manner  
7 provided by Sections 54.601 and 54.602, Water Code.

8 Sec. 3879.212. ELECTIONS REGARDING TAXES AND BONDS. (a)  
9 The district may issue, without an election, bonds, notes, and  
10 other obligations secured by:

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

12 (2) contract payments described by Section 3879.209.

13 (b) The district must hold an election in the manner  
14 provided by Subchapter L, Chapter 375, Local Government Code, to  
15 obtain voter approval before the district may impose an ad valorem  
16 tax or sales and use tax or issue bonds payable from ad valorem  
17 taxes.

18 (c) Section 375.243, Local Government Code, does not apply  
19 to the district.

20 (d) All or any part of any facilities or improvements that  
21 may be acquired by a district by the issuance of district bonds may  
22 be included in one single proposition to be voted on at the election  
23 or the bonds may be submitted in several propositions.

24 Sec. 3879.213. COMPETITIVE BIDDING. Subchapter I, Chapter  
25 49, Water Code, applies to the district. Subchapter K, Chapter 375,  
26 Local Government Code, does not apply to the district.

27 Sec. 3879.214. TAX AND ASSESSMENT ABATEMENTS. The district

1 may grant in the manner authorized by Chapter 312, Tax Code, an  
2 abatement for a tax or assessment owed to the district.

3 [Sections 3879.215-3879.250 reserved for expansion]

4 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED  
5 PROPERTY

6 Sec. 3879.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR  
7 DESIGNATED PROPERTY. The district may define areas or designate  
8 certain property of the district to pay for improvements,  
9 facilities, or services that primarily benefit that area or  
10 property and do not generally and directly benefit the district as a  
11 whole.

12 Sec. 3879.252. PROCEDURE FOR ELECTION. (a) Before the  
13 district may impose an ad valorem tax or issue bonds payable from ad  
14 valorem taxes of the area defined or property designated under  
15 Section 3879.251, the board must call and hold an election as  
16 provided by Section 3879.212 only in the defined area or in the  
17 boundaries of the designated property.

18 (b) The board may submit the proposition to the voters on  
19 the same ballot to be used in another election.

20 Sec. 3879.253. DECLARING RESULT AND ISSUING ORDER. (a) If  
21 a majority of the voters voting at the election approve the  
22 proposition or propositions, the board shall declare the results  
23 and by order shall establish the defined area and describe it by  
24 metes and bounds or designate the specific property.

25 (b) A court may not review the board's order except on the  
26 ground of fraud, palpable error, or arbitrary and confiscatory  
27 abuse of discretion.

1       Sec. 3879.254. TAXES FOR SERVICES, IMPROVEMENTS, AND  
2 FACILITIES IN DEFINED AREA OR DESIGNATED PROPERTY. On voter  
3 approval and adoption of the order described in Section 3879.253,  
4 the district may apply separately, differently, equitably, and  
5 specifically its taxing power and lien authority to the defined  
6 area or designated property to provide money to construct,  
7 administer, maintain, and operate services, improvements, and  
8 facilities that primarily benefit the defined area or designated  
9 property.

10       Sec. 3879.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES  
11 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under  
12 Section 3879.253 is adopted, the district may issue bonds to  
13 provide for any land, improvements, facilities, plants, equipment,  
14 and appliances for the defined area or designated property.

15       [Sections 3879.256-3879.300 reserved for expansion]

16                   SUBCHAPTER G. SALES AND USE TAX

17       Sec. 3879.301. MEANINGS OF WORDS AND PHRASES. Words and  
18 phrases used in this subchapter that are defined by Chapters 151 and  
19 321, Tax Code, have the meanings assigned by Chapters 151 and 321,  
20 Tax Code.

21       Sec. 3879.302. APPLICABILITY OF CERTAIN TAX CODE  
22 PROVISIONS. (a) Except as otherwise provided by this subchapter,  
23 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,  
24 apply to taxes imposed under this subchapter and to the  
25 administration and enforcement of those taxes in the same manner  
26 that those laws apply to state taxes.

27       (b) Chapter 321, Tax Code, relating to municipal sales and



1 use taxes, applies to the application, collection, change, and  
2 administration of a sales and use tax imposed under this subchapter  
3 to the extent consistent with this chapter, as if references in  
4 Chapter 321, Tax Code, to a municipality referred to the district  
5 and references to a governing body referred to the board.

6 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,  
7 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not  
8 apply to a tax imposed under this subchapter.

9 Sec. 3879.303. AUTHORIZATION; ELECTION. (a) The district  
10 may adopt a sales and use tax to serve the purposes of the district  
11 after an election in which a majority of the voters of the district  
12 voting in the election authorize the adoption of the tax.

13 (b) The board by order may call an election to authorize a  
14 sales and use tax. The election may be held with any other district  
15 election.

16 (c) The district shall provide notice of the election and  
17 shall hold the election in the manner prescribed by Section  
18 3879.212.

19 (d) The ballots shall be printed to provide for voting for  
20 or against the proposition: "Authorization of a sales and use tax  
21 in the Harris County Improvement District No. 18 at a rate not to  
22 exceed \_\_\_\_\_ percent."

23 Sec. 3879.304. ABOLISHING SALES AND USE TAX. (a) Except as  
24 provided by Subsection (b), the board may abolish the sales and use  
25 tax without an election.

26 (b) The board may not abolish the sales and use tax if the  
27 district has outstanding debt secured by the tax.

1       Sec. 3879.305. SALES AND USE TAX RATE. (a) On adoption of  
2 the tax authorized by this subchapter, there is imposed a tax on the  
3 receipts from the sale at retail of taxable items within the  
4 district, and an excise tax on the use, storage, or other  
5 consumption within the district of taxable items purchased, leased,  
6 or rented from a retailer within the district during the period that  
7 the tax is in effect.

8       (b) The board shall determine the rate of the tax, which may  
9 be in one-eighth of one percent increments not to exceed the maximum  
10 rate authorized by the district voters at the election. The board  
11 may lower the tax rate to the extent it does not impair any  
12 outstanding debt or obligations payable from the tax.

13       (c) The rate of the excise tax is the same as the rate of the  
14 sales tax portion of the tax and is applied to the sales price of the  
15 taxable item.

16       [Sections 3879.306-3879.350 reserved for expansion]

17               SUBCHAPTER H. HOTEL OCCUPANCY TAXES

18       Sec. 3879.351. HOTEL OCCUPANCY TAX. (a) In this section,  
19 "hotel" has the meaning assigned by Section 156.001, Tax Code.

20       (b) For purposes of this section, a reference in Subchapter  
21 A, Chapter 352, Tax Code, to a county is a reference to the district  
22 and a reference in Subchapter A, Chapter 352, Tax Code, to the  
23 county's officers or governing body is a reference to the board.

24       (c) Except as otherwise provided by this section,  
25 Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax  
26 authorized by this section, including the collection of the tax.

27       (d) The district may impose a hotel occupancy tax for any

1 district purpose, including to:

- 2 (1) maintain and operate the district;
- 3 (2) construct or acquire improvements; and
- 4 (3) provide a service.

5 (e) The board by order may impose, repeal, increase, or  
6 decrease the rate of a tax on a person who, under a lease,  
7 concession, permit, right of access, license, contract, or  
8 agreement, pays for the use or possession or for the right to the  
9 use or possession of a room that:

- 10 (1) is in a hotel located in the district's boundaries;
- 11 (2) costs \$2 or more each day; and
- 12 (3) is ordinarily used for sleeping.

13 (f) The amount of the tax may not exceed seven percent of the  
14 price paid for a room in a hotel.

15 (g) The district may examine and receive information  
16 related to the imposition of hotel occupancy taxes to the same  
17 extent as if the district were a county.

18 [Sections 3879.352-3879.400 reserved for expansion]

19 SUBCHAPTER I. MUNICIPAL ANNEXATION AND DISSOLUTION

20 Sec. 3879.401. MUNICIPAL ANNEXATION; DISSOLUTION. (a)  
21 Section 43.071, Local Government Code, applies to the district, and  
22 the district is a "water or sewer district" for purposes of that  
23 section.

24 (b) Section 43.075, Local Government Code, applies to the  
25 district.

26 (c) Section 375.264, Local Government Code, does not apply  
27 to the dissolution of the district by a municipality.

1 SECTION 2. The Harris County Improvement District No. 18  
2 initially includes all territory contained in the following area:

3 TRACT 1 of 3:

4 Being a tract or parcel containing 69.9705 acres of land  
5 situated in the F. Limsky Survey, Abstract Number 512, Harris  
6 County, Texas, and being all of the called 69.9297 acre tract as  
7 described in the deed to Chrymirene Properties Company, Inc., and  
8 Springwoods Realty Company recorded under Harris County Clerk's  
9 File Number T146401; said 69.9705 acre tract being more  
10 particularly described by metes and bounds as follows (all bearings  
11 stated herein are based on the Texas State Plane Coordinate System,  
12 South Central Zone, NAD 29 (19683 adjustment) as depicted on the  
13 Texas Department of Transportation Right-of-Way map for Interstate  
14 Highway 45, Account Number 9012-7-30, CSJ 0110-05-068):

15 BEGINNING at a 3/4-inch iron rod found in the south  
16 right-of-way line of the Missouri Pacific Railroad (100 feet wide),  
17 as described in the deed recorded in Volume 139, Page 452, of the  
18 Harris County Deed Records, marking the northwest corner of said  
19 called 69.9297 acre tract common with the northeast corner of the  
20 called 15.00 acre tract as described in the deed recorded under  
21 Harris County Clerk's File Number D798332;

22 THENCE, South 80°57'24" East, along said south right-of-way  
23 line, a distance of 1,762.44 feet to a 5/8-inch iron rod found  
24 marking the northwest corner of the called 10.445 acre tract as  
25 described in the deed recorded under Harris County Clerk's File  
26 Number F394301;

27 THENCE, South 02°49'28" East, along the west line of said

1 called 10.445 acre tract, a distance of 1,630.01 feet to a 5/8-inch  
2 iron rod with plastic cap stamped "TERRA SURVEYING" set in the north  
3 right-of-way line of Spring Stuebner Road (60 feet wide);

4 THENCE, South 86°54'21" West, along said north right-of-way  
5 line, a distance of 1,498.48 feet to a 5/8-inch iron rod found  
6 marking the southeast corner aforesaid called 15.00 acre tract;

7 THENCE, North 02°53'31" West, along the east line of said  
8 called 15.00 acre tract, a distance of 360.27 feet to a 5/8-inch  
9 iron rod found marking an angle corner of said called 15.00 acre  
10 tract;

11 THENCE, South 86°54'45" West, along the east line of said  
12 called 15.00 acre tract, a distance of 223.95 feet to a 5/8-inch  
13 iron rod found marking an angle corner of said called 15.00 acre  
14 tract;

15 THENCE, North 2°53'31" West, along the east line of said  
16 called 15.00 acre tract, a distance of 1,640.27 feet to the POINT OF  
17 BEGINNING 69.9705 acres of land. This description is based on the  
18 plat of the ALTA/ACSM Land Title Survey prepared by Terra Surveying  
19 Company, Inc., dated July 19, 2006, TSC Project Number  
20 0106-0301-A01.

21 TRACT 2 of 3:

22 Being a tract or parcel containing 83.0841 acres of land  
23 situated in the F. Limsy Survey, Abstract Number 512, Harris  
24 County, Texas, and being all of the called 82.8694 acre tract as  
25 described in the deed to Chrymirene Properties Company, Inc., and  
26 Springwoods Realty Company recorded under Harris County Clerk's  
27 File Number T146401; said 83.0841 acre tract being more

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1 particularly described by metes and bounds as follows (all bearings  
2 stated herein are based on the Texas State Plane Coordinate System,  
3 South Central Zone, NAD 29 (19683 adjustment) as depicted on the  
4 Texas Department of Transportation Right-of-Way map for Interstate  
5 Highway 45, Account Number 9012-7-30, CSJ 0110-05-068):

6 BEGINNING at a 5/8-inch iron rod found in the south  
7 right-of-way line of the Missouri Pacific Railroad (100 feet wide),  
8 as described in the deed recorded in Volume 139, Page 452, of the  
9 Harris County Deed Records, marking the northeast corner of said  
10 called 82.8694 acre tract common with the northwest corner of the  
11 called 4.1807 acre tract as described in the deed recorded under  
12 Harris County Clerk's File Number H058736;

13 THENCE, South 02°15'54" East, along the west line of said  
14 called 4.1807 acre tract, a distance of 507.13 feet to a 5/8-inch  
15 iron rod with plastic cap stamped "TERRA SURVEYING" set in the north  
16 right-of-way line of Spring Stuebner Road (60 feet wide) marking  
17 the southeast corner of the herein described tract;

18 THENCE, South 86°54'21" West, along said north right-of-way  
19 line, a distance of 3,901.63 feet to a 5/8-inch iron rod found  
20 marking the southeast corner of the called 9.4671 acre tract as  
21 described in the deed recorded under Harris County Clerk's File  
22 Number F773219;

23 THENCE, North 02°49'28" West, along the east line of said  
24 called 9.4671 acre tract, a distance of 1,346.43 feet to a 5/8-inch  
25 iron rod with plastic cap stamped "TERRA SURVEYING" set in the  
26 aforesaid south right-of-way line of the Missouri Pacific Railroad  
27 marking the north west corner of the herein described tract;

1           THENCE, South 80°57'24" East, along said south right-of-way  
2 line a distance of 3,991.87 feet to the POINT OF BEGINNING 83.0841  
3 acres of land. This description is based on the plat of the  
4 ALTA/ACSM Land Title Survey prepared by Terra Surveying Company,  
5 Inc., dated July 19, 2006, TSC Project Number 0106-0301-A01.

6           TRACT 3 of 3:

7           Being a tract or parcel containing 1,421.1124 acres of land  
8 situated in the F. Linsky Survey, Abstract Number 512, Richard  
9 Beach Survey, Abstract Number 137, and the James Moore Survey,  
10 Abstract Number 583, all in Harris County, Texas, and being all of  
11 the called 1,408.0939 acre tract as described in the deed to  
12 Chrymirene Properties Company, Inc., and Springwoods Realty  
13 Company recorded under Harris County Clerk's File Number T146401,  
14 and all of the called 1.4856 acre tract as described in the deed to  
15 Springwoods Realty Corporation recorded under Harris County  
16 Clerk's File Number T785884; said 1,421.1124 acre tract being more  
17 particularly described by metes and bounds as follows (all bearings  
18 stated herein are based on the Texas State Plane Coordinate System,  
19 South Central Zone, NAD 29 (19683 adjustment) as depicted on the  
20 Texas Department of Transportation Right-of-Way map for Interstate  
21 Highway 45, Account Number 9012-7-30, CSJ 0110-05-068):

22           BEGINNING at an axle found in the north right-of-way line of  
23 the Missouri Pacific Railroad (100 feet wide), as described in the  
24 deed recorded in Volume 139, Page 452, of the Harris County Deed  
25 Records, marking the southeast corner of said called 1,408.0939  
26 acre tract common with the southwest corner of the called 6.00 acre  
27 tract as described in the deed recorded under Harris County Clerk's

1 File Number U173578;

2       THENCE, North 80°57'24" West, along said north right-of-way  
3 line, a distance of 7,926.68 feet to a 5/8-inch iron rod found  
4 marking the southeast corner of the called 140.1685 acre tract as  
5 described in the deed recorded under Harris County Clerk's File  
6 Number R984278 common with the southwest corner of the herein  
7 described tract;

8       THENCE, North 02°26'47" West, along the east line of said  
9 called 140.1685 acre tract, a distance of 5,748.58 feet to the  
10 northwest corner of the herein described tract in the centerline of  
11 Spring Creek;

12       THENCE, along the centerline of Spring Creek as meandered in  
13 July of 2006 the following Forty-Eight (48) courses and distances;

14             North 31°22'36" East, a distance of 142.45 feet;

15             North 49°35'22" East, a distance of 116.57 feet;

16             South 89°00'36" East, a distance of 292.35 feet;

17             South 58°27'00" East, a distance of 85.79 feet;

18             North 80°56'30" East, a distance of 164.19 feet;

19             North 61°57'17" East, a distance of 269.77 feet;

20             South 63°15'16" East, a distance of 349.48 feet;

21             South 80°26'06" East, a distance of 208.37 feet;

22             South 40°36'00" East, a distance of 274.54 feet;

23             South 84°38'53" East, a distance of 113.03 feet;

24             North 50°47'47" East, a distance of 543.35 feet;

25             South 80°14'02" East, a distance of 212.53 feet;

26             South 45°39'14" East, a distance of 195.16 feet;

27             South 24°16'46" East, a distance of 186.29 feet;



1 North 87°16'43" East, a distance of 92.63 feet;  
2 North 67°47'36" East, a distance of 416.14 feet;  
3 North 26°29'19" East, a distance of 95.14 feet;  
4 North 9°45'41" West, a distance of 542.50 feet;  
5 North 52°46'48" East, a distance of 192.95 feet;  
6 South 84°36'09" East, a distance of 200.78 feet;  
7 North 39°09'55" East, a distance of 131.98 feet;  
8 North 13°59'12" East, a distance of 488.80 feet;  
9 North 55°54'31" East, a distance of 252.47 feet;  
10 North 71°50'16" East, a distance of 496.79 feet;  
11 North 45°34'12" East, a distance of 107.58 feet;  
12 North 81°30'41" East, a distance of 83.70 feet;  
13 South 75°38'22" East, a distance of 94.27 feet;  
14 South 58°03'06" East, a distance of 147.30 feet;  
15 South 76°45'02" East, a distance of 382.50 feet;  
16 North 48°06'00" East, a distance of 238.60 feet;  
17 North 22°25'42" East, a distance of 198.43 feet;  
18 North 59°54'16" East, a distance of 84.46 feet;  
19 North 72°24'48" East, a distance of 208.16 feet;  
20 South 84°43'33" East, a distance of 357.51 feet;  
21 North 72°30'04" East, a distance of 117.17 feet;  
22 South 87°26'11" East, a distance of 212.90 feet;  
23 South 69°13'23" East, a distance of 345.53 feet;  
24 South 29°06'11" East, a distance of 101.86 feet;  
25 North 89°54'32" East, a distance of 176.49 feet;  
26 North 59°26'57" East, a distance of 423.79 feet;  
27 North 66°31'27" East, a distance of 168.10 feet;

1 South 83°32'01" East, a distance of 222.63 feet;  
2 North 84°20'46" East, a distance of 74.88 feet;  
3 North 54°40'19" East, a distance of 77.43 feet;  
4 North 41°03'04" East, a distance of 231.87 feet;  
5 North 71°35'52" East, a distance of 144.34 feet;  
6 South 81°33'16" East, a distance of 91.64 feet;  
7 South 66°42'36" East, a distance of 117.37 feet to the  
8 intersection of said centerline and the west right-of-way  
9 line of Interstate Highway 45 (width varies);  
10 THENCE, along said west right-of-way line the following  
11 Sixteen (16) courses and distances  
12 South 03°11'31" East (called South 04°11'25" East), a  
13 distance of 366.12 feet to a 5/8-inch iron rod with plastic  
14 cap stamped "TERRA SURVEYING" set;  
15 South 03°25'46" East (called South 04°11'25" East), a  
16 distance of 154.92 feet to a found Texas Department of  
17 Transportation monument;  
18 South 03°01'28" East (called South 04°11'25" East), a  
19 distance of 40.53 feet to a found Texas Department of  
20 Transportation from which a found 2-inch iron pipe bears  
21 North 47°09' East, 0.92 feet;  
22 North 86°37'31" East (called North 86°45'55" East), a  
23 distance of 150.29 feet to a found Texas Department of  
24 Transportation monument from which a found 5/8-inch iron rod  
25 bears North 43°10' East, 1.35 feet;  
26 South 10°15'13" East (called South 10°22'11" East), a  
27 distance of 647.19 feet (called 649.81 feet) to a 5/8-inch

1 iron rod with plastic cap stamped "TERRA SURVEYING" set from  
2 which a 5/8-inch iron rod found disturbed bears South  
3 07°57'24" East, 3.67 feet;

4 South 04°53'28" East (called South 04°51'18" East), a  
5 distance of 303.83 feet (called 300.13 feet) to a found  
6 5/8-inch iron rod;

7 South 07°28'17" East, a distance of 99.95 feet to a found  
8 5/8-inch iron rod;

9 South 39°41'01" West, a distance of 57.06 feet to a set  
10 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING";

11 South 87°20'13" West, a distance of 10.00 feet to a found  
12 Texas Department of Transportation monument;

13 South 02°39'47" East, a distance of 80.00 feet to a set  
14 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING";

15 North 87°20'13" East, a distance of 10.00 feet to a set  
16 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING";

17 South 46°26'42" East, a distance of 77.96 feet to a set  
18 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING";

19 South 04°58'48" East, a distance of 208.76 to a found  
20 Texas Department of Transportation monument;

21 South 07°10'22" East, a distance of 485.85 feet to a set  
22 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING";

23 South 05°23'54" East, a distance of 206.08 feet set  
24 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING";

25 South 03°02'04" East, a distance of 377.43 feet to a  
26 5/8-inch iron rod found marking the northeast corner of the  
27 called 10 acre tract as described in the deed recorded in

1 Volume 1048, Page 67, of the Harris County Deed Records;

2 THENCE, South 88°19'48" West, along the north line of said  
3 called 10 acre tract, a distance of 764.64 feet (called 763.69 feet)  
4 to a 1/2-inch iron pipe found marking the northwest corner of said  
5 called 10.0 acre tract;

6 THENCE, South 02°14'16" East, along the west line of said  
7 called 10 acre tract, a distance of 426.96 feet to a 5/8-inch iron  
8 rod with plastic cap stamped "TERRA SURVEYING" set marking an  
9 interior corner of the herein described tract;

10 THENCE, North 87°52'57" East, along the south line of said  
11 called 10 acre tract, a distance of 770.46 feet (called 771.28 feet)  
12 to a 5/8-inch iron rod found in the aforesaid west right-of-way line  
13 of Interstate Highway 45 marking the southeast corner of said  
14 called 10 acre tract;

15 THENCE, South 03°02'04" East, along said west right-of-way  
16 line, a distance of 739.59 feet to a 5/8-inch iron rod with plastic  
17 cap stamped "TERRA SURVEYING" set marking the Point of Curvature of  
18 a curve to the left;

19 THENCE, continuing along said west right-of-way line, along  
20 said curve to the left having a central angle of 00°02'17", an arc  
21 distance of 15.34 feet, a radius of 23,099.81 feet, and a chord  
22 which bears South 03°03'11" East, a distance of 15.34 feet to a  
23 5/8-inch iron rod found marking the northeast corner of the called  
24 6.64 acre tract as described in the deed recorded in Volume 2247,  
25 Page 590, of the Harris County Deed Records;

26 THENCE, South 87°50'13" West (called South 87°45'44" West),  
27 along the north line of said called 6.64 acre tract, a distance of

1 779.22 feet (called 779.49 feet) to a 5/8-inch iron rod found  
2 marking the northwest corner of said called 6.64 acre tract;

3       THENCE, South 02°12'23" East (called South 02°34'59" East),  
4 along the east line of said called 6.64 acre tract, a distance of  
5 299.10 feet (called 299.26 feet) to a 1/2-inch iron pipe found  
6 marking the northeast corner of the called 1.701 acre tract as  
7 described in the deed recorded under Harris County Clerk's File  
8 Number T934409;

9       THENCE, South 02°16'10" East (called South 02°14'48" East),  
10 along the west line of said called 1.701 acre tract and then along  
11 the west line the called 1.701 acre tract as described in the deed  
12 recorded under Harris County Clerk's File Number T934408, a  
13 distance of 550.83 feet to a 5/8-inch iron rod found marking the  
14 southwest corner of said called 1.701 acre tract;

15       THENCE, North 86°17'22" East, along the south line of said  
16 called 1.701 acre tract, a distance of 601.99 feet to a 5/8-inch  
17 iron rod found marking the southeast corner of said called 1.701  
18 acre tract;

19       THENCE, North 03°22'36" West, along the east line of said  
20 called 1.701 acre tract, a distance of 550.67 feet (called 550.47  
21 feet) to a 1/2-inch iron rod found in the south line of the  
22 aforesaid called 6.64 acre tract;

23       THENCE, North 86°11'48" East (called North 86°15'38" East),  
24 along said south line, a distance of 194.02 feet (called 155.50  
25 feet) to a Texas Department of Transportation monument found  
26 marking a point on a curve to the left in the aforesaid west  
27 right-of-way line of Interstate Highway 45;

1           THENCE, along said west right-of-way line and said curve to  
2 the left having a central angle of 00°02'13", an arc distance of  
3 14.88 feet, a radius of 23,099.81 feet, and a chord which bears  
4 South 03°46'46" East, a distance of 14.88 feet to a 5/8-inch iron rod  
5 with plastic cap stamped "TERRA SURVEYING" set marking the end of  
6 said curve;

7           THENCE, South 00°07'56" West, continuing along said west  
8 right-of-way line, a distance of 53.41 feet to a 5/8-inch iron rod  
9 with plastic cap stamped "TERRA SURVEYING" set marking an angle  
10 corner of the herein described tract;

11           THENCE, South 00°20'00" West (called South 03°27'08" East),  
12 along the west line of the called 1.590 acre tract as described in  
13 the deed recorded in Volume 3274, Page 338, of the Harris County  
14 Deed Records, a distance of 642.96 feet to a 5/8-inch iron rod with  
15 plastic cap stamped "TERRA SURVEYING" set marking an angle corner  
16 of the herein described tract;

17           THENCE, South 03°18'44" East (called South 03°27'08" East),  
18 along the west lines of those certain tracts recorded under Harris  
19 County Clerk's File Numbers F754657, T406580, U406352, and J617466,  
20 a distance of 469.29 feet to a 5/8-inch iron rod with plastic cap  
21 stamped "TERRA SURVEYING" set marking an angle corner of the herein  
22 described tract;

23           THENCE, South 02°56'18" East (called South 03°27'08" East),  
24 along the west line of the called 0.325 acre tract as described in  
25 the deed recorded under Harris County Clerk's File Number R872066  
26 and then along the west line of the called 0.729 acre tract as  
27 described in the deed recorded under Harris County Clerk's File

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1 Number M665530, a distance of 234.23 feet to a 1/2-inch iron pipe  
2 found marking the southeast corner of said called 0.729 acre tract;

3       THENCE, North 86°45'29" East, along the south line of said  
4 called 0.729 acre tract, a distance of 82.21 feet to a 5/8-inch iron  
5 rod with plastic cap stamped "TERRA SURVEYING" set in the aforesaid  
6 west right-of-way line of Interstate Highway 45;

7       THENCE, South 05°01'46" East, along said west right-of-way  
8 line, a distance of 705.37 feet to a Texas Department of  
9 Transportation monument found in the north line of the called  
10 1.6920 acre tract as described in the deed recorded under Harris  
11 County Clerk's File Number F261338;

12       THENCE, South 87°29'17" West, along said north line, distance  
13 of 102.64 feet to a 5/8-inch iron rod with plastic cap stamped  
14 "TERRA SURVEYING" set marking an angle corner of the herein  
15 described tract;

16       THENCE, South 05°50'04" East (called South 03°27'08" East),  
17 along the west line of said called 1.6920 acre tract, a distance of  
18 273.84 feet to 5/8-inch iron rod found marking the southeast corner  
19 of the called 12.939 acre tract as described in the deed recorded  
20 under Harris County Clerk's File Number U776662;

21       THENCE, South 86°17'01" West (called South 86°12'32" West),  
22 along a north line of said called 12.939 acre tract, a distance of  
23 155.34 feet (called 155.56 feet) to an angle iron found in the east  
24 line of the called 3.1232 acre tract;

25       THENCE, North 03°45'59" West (called North 03°47'28" West),  
26 along said east line, a distance of 206.96 feet (called 207.15 feet)  
27 to a 1/2-inch iron rod found marking the southeast corner of said

1 called 3.1232 acre tract;

2       THENCE, South 87°16'46" West (called South 87°15'28" West),  
3 along the north line of said called 3.1232 acre tract and then along  
4 the north line of the aforesaid called 12.939 acre tract, a distance  
5 of 635.71 feet (called 635.50 feet) to a 1/2-inch iron rod found  
6 marking the northwest corner of said called 12.939 acre tract;

7       THENCE, South 02°14'41" East (called South 02°15'34" East),  
8 along the west line of said called 12.939 acre tract, a distance of  
9 809.36 feet (called 810.15 feet) to an axle found marking the  
10 southwest corner of said called 12.939 acre tract;

11       THENCE, South 02°13'55" East, along the west line of the  
12 aforesaid called 6.00 acre tract, a distance of 1,708.71 feet to the  
13 POINT OF BEGINNING 1421.1124 acres of land. This description is  
14 based on the plat of the ALTA/ACSM Land Title Survey prepared by  
15 Terra Surveying Company, Inc., dated July 19, 2006, TSC Project  
16 Number 0106-0301-A01.

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,  
2 lieutenant governor, and speaker of the house of representatives  
3 within the required time.

4 (d) The general law relating to consent by political  
5 subdivisions to the creation of districts with conservation,  
6 reclamation, and road powers and the inclusion of land in those  
7 districts has been complied with.

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

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