

SENATE AMENDMENTS

2nd Printing

By: Hochberg

H.B. No. 3828

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Gulfton Area Municipal Management
3 District; providing authority to impose a tax, levy an assessment,
4 and issue bonds.

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

6 SECTION 1. Subtitle C, Title 4, Special District Local Laws
7 Code, is amended by adding Chapter 3889 to read as follows:

8 CHAPTER 3889. GULFTON AREA MUNICIPAL MANAGEMENT DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3889.001. DEFINITIONS. In this chapter:

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

12 (2) "City" means the City of Houston, Texas.

13 (3) "Director" means a board member.

14 (4) "District" means the Gulfton Area Municipal
15 Management District.

16 Sec. 3889.002. CREATION AND NATURE OF DISTRICT. The
17 district is a special district created under Section 59, Article
18 XVI, Texas Constitution.

19 Sec. 3889.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
20 creation of the district is essential to accomplish the purposes of
21 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
22 Texas Constitution, and other public purposes stated in this
23 chapter. By creating the district and in authorizing the city and
24 other political subdivisions to contract with the district, the

1 legislature has established a program to accomplish the public
2 purposes set out in Section 52-a, 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) The district is created to supplement and not to
9 supplant city services provided in the district.

10 Sec. 3889.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
11 The district is created to serve a public use and benefit.

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

17 (c) The creation of the district is in the public interest
18 and is essential to further the public purposes of:

19 (1) developing and diversifying the economy of the
20 state;

21 (2) eliminating unemployment and underemployment;

22 (3) developing or expanding transportation and
23 commerce; and

24 (4) providing quality residential housing.

25 (d) The district will:

26 (1) promote the health, safety, and general welfare of
27 residents, employers, potential employees, employees, visitors,

1 and consumers in the district, and of the public;

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

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

11 (e) Pedestrian ways along or across a street, whether at
12 grade or above or below the surface, and street lighting, street
13 landscaping, vehicle parking, and street art objects are parts of
14 and necessary components of a street and are considered to be an
15 improvement project that includes a street or road improvement.

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

19 Sec. 3889.005. DISTRICT TERRITORY. (a) The district is
20 initially composed of the territory described by Section 2 of the
21 Act enacting this chapter.

22 (b) The boundaries and field notes contained in Section 2 of
23 the Act enacting this chapter form a closure. A mistake in the
24 field notes or in copying the field notes in the legislative process
25 does not affect the district's:

26 (1) organization, existence, or validity;

27 (2) right to issue any type of bond for the purposes

1 for which the district is created or to pay the principal of and
2 interest on the bond;

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

4 (4) legality or operation.

5 Sec. 3889.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

6 (a) All or any part of the area of the district is eligible to be
7 included in:

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

10 (2) a tax abatement reinvestment zone created under
11 Chapter 312, Tax Code;

12 (3) an enterprise zone created under Chapter 2303,
13 Government Code; or

14 (4) an industrial district created under Chapter 42,
15 Local Government Code.

16 (b) If the city creates a tax increment reinvestment zone
17 described by Subsection (a), the city and the board of directors of
18 the zone, by contract with the district, may grant money deposited
19 in the tax increment fund to the district to be used by the district
20 for the purposes permitted for money granted to a corporation under
21 Section 380.002(b), Local Government Code, including the right to
22 pledge the money as security for any bonds issued by the district
23 for an improvement project. A project may not receive public funds
24 under Section 380.002(b), Local Government Code, unless the project
25 has been approved by the governing body of the city.

26 (c) A tax increment reinvestment zone created by the city in
27 the district is not subject to the limitations provided by Section

1 311.006(b), Tax Code.

2 Sec. 3889.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
3 DISTRICTS LAW. Except as otherwise provided by this chapter,
4 Chapter 375, Local Government Code, applies to the district.

5 Sec. 3889.008. LIBERAL CONSTRUCTION OF CHAPTER. This
6 chapter shall be liberally construed in conformity with the
7 findings and purposes stated in this chapter.

8 [Sections 3889.009-3889.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 3889.051. GOVERNING BODY; TERMS. The district is
11 governed by a board of seven directors who serve staggered terms of
12 four years expiring June 1 of each even-numbered year.

13 Sec. 3889.052. QUALIFICATIONS OF DIRECTORS APPOINTED BY
14 CITY. (a) To be qualified to serve as a director appointed by the
15 governing body of the city, a person must be:

16 (1) a resident of the district who is also a registered
17 voter of the district;

18 (2) an owner of property in the district;

19 (3) an owner of stock or a partnership or membership
20 interest, whether beneficial or otherwise, of a corporate
21 partnership, limited liability company, or other entity owner of a
22 direct or indirect interest in property in the district;

23 (4) an owner of a beneficial interest in a trust, or a
24 trustee in a trust, that directly or indirectly owns property in the
25 district; or

26 (5) an agent, employee, or tenant of a person
27 described by Subdivision (2), (3), or (4).

1 (b) Section 49.052, Water Code, does not apply to the
2 district.

3 Sec. 3889.053. APPOINTMENT OF DIRECTORS. The governing
4 body of the city shall appoint directors from persons recommended
5 by the board.

6 Sec. 3889.054. VACANCY. If a vacancy occurs on the board,
7 the remaining directors shall appoint a director for the remainder
8 of the unexpired term.

9 Sec. 3889.055. DIRECTOR'S OATH OR AFFIRMATION. (a) A
10 director shall file the director's oath or affirmation of office
11 with the district, and the district shall retain the oath or
12 affirmation in the district records.

13 (b) A director shall file a copy of the director's oath or
14 affirmation with the secretary of the city.

15 Sec. 3889.056. QUORUM. A vacant director position is not
16 counted for purposes of establishing a quorum.

17 Sec. 3889.057. OFFICERS. The board shall elect from among
18 the directors a chair, a vice chair, and a secretary. The offices
19 of chair and secretary may not be held by the same person.

20 Sec. 3889.058. COMPENSATION; EXPENSES. (a) The district
21 may compensate each director in an amount not to exceed \$50 for each
22 board meeting. The total amount of compensation for each director
23 in one year may not exceed \$2,000.

24 (b) A director is entitled to reimbursement for necessary
25 and reasonable expenses incurred in carrying out the duties and
26 responsibilities of the board.

27 Sec. 3889.059. LIABILITY INSURANCE. The district may

1 obtain and pay for comprehensive general liability insurance
2 coverage from a commercial insurance company or other source that
3 protects and insures a director against personal liability and from
4 all claims relating to:

5 (1) actions taken by the director in the director's
6 capacity as a member of the board;

7 (2) actions and activities taken by the district; or

8 (3) the actions of others acting on behalf of the
9 district.

10 Sec. 3889.060. NO EXECUTIVE COMMITTEE. The board may not
11 create an executive committee to exercise the powers of the board.

12 Sec. 3889.061. BOARD MEETINGS. The board shall hold
13 meetings at a place accessible to the public.

14 Sec. 3889.062. INITIAL DIRECTORS. (a) The initial board
15 consists of:

	<u>Pos. No.</u>	<u>Name of Director</u>
16		
17	<u>1</u>	<u>_____</u>
18	<u>2</u>	<u>_____</u>
19	<u>3</u>	<u>_____</u>
20	<u>4</u>	<u>_____</u>
21	<u>5</u>	<u>_____</u>
22	<u>6</u>	<u>_____</u>
23	<u>7</u>	<u>_____</u>

24 (b) The terms of the initial directors expire June 1, 2012.

25 (c) Of the directors who replace an initial director, the
26 terms of directors serving in positions 1, 2, 3, and 4 expire June
27 1, 2014, and the terms of directors serving in positions 5, 6, and 7

1 expire June 1, 2016.

2 (d) Section 3889.052 does not apply to this section.

3 (e) This section expires September 1, 2012.

4 [Sections 3889.063-3889.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 3889.101. GENERAL POWERS AND DUTIES. The district has
7 the powers and duties necessary to accomplish the purposes for
8 which the district is created.

9 Sec. 3889.102. IMPROVEMENT PROJECTS AND SERVICES. (a) The
10 district may provide, design, construct, acquire, improve,
11 relocate, operate, maintain, or finance an improvement project or
12 service using money available to the district, or contract with a
13 governmental or private entity to provide, design, construct,
14 acquire, improve, relocate, operate, maintain, or finance an
15 improvement project or service authorized under this chapter or
16 Chapter 375, Local Government Code.

17 (b) An improvement project described by Subsection (a) may
18 be located:

19 (1) in the district; or

20 (2) in an area outside but adjacent to the district if
21 the project is for the purpose of extending a public infrastructure
22 improvement beyond the district's boundaries to a logical terminus.

23 Sec. 3889.103. DEVELOPMENT CORPORATION POWERS. The
24 district, using money available to the district, may exercise the
25 powers given to a development corporation under Chapter 505, Local
26 Government Code, including the power to own, operate, acquire,
27 construct, lease, improve, or maintain a project under that

1 chapter.

2 Sec. 3889.104. NONPROFIT CORPORATION. (a) The board by
3 resolution may authorize the creation of a nonprofit corporation to
4 assist and act for the district in implementing a project or
5 providing a service authorized by this chapter.

6 (b) The nonprofit corporation:

7 (1) has each power of and is considered to be a local
8 government corporation created under Subchapter D, Chapter 431,
9 Transportation Code; and

10 (2) may implement any project and provide any service
11 authorized by this chapter.

12 (c) The board shall appoint the board of directors of the
13 nonprofit corporation. The board of directors of the nonprofit
14 corporation shall serve in the same manner as the board of directors
15 of a local government corporation created under Subchapter D,
16 Chapter 431, Transportation Code, except that a board member is not
17 required to reside in the district.

18 Sec. 3889.105. AGREEMENTS; GRANTS. (a) As provided by
19 Chapter 375, Local Government Code, the district may make an
20 agreement with or accept a gift, grant, or loan from any person.

21 (b) The implementation of a project is a governmental
22 function or service for the purposes of Chapter 791, Government
23 Code.

24 Sec. 3889.106. LAW ENFORCEMENT SERVICES. To protect the
25 public interest, the district may contract with a qualified party,
26 including Harris County or the city, to provide law enforcement
27 services in the district for a fee.

1 Sec. 3889.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
2 district may join and pay dues to a charitable or nonprofit
3 organization that performs a service or provides an activity
4 consistent with the furtherance of a district purpose.

5 Sec. 3889.108. ECONOMIC DEVELOPMENT. (a) The district may
6 engage in activities that accomplish the economic development
7 purposes of the district.

8 (b) The district may establish and provide for the
9 administration of one or more programs to promote state or local
10 economic development and to stimulate business and commercial
11 activity in the district, including programs to:

12 (1) make loans and grants of public money; and

13 (2) provide district personnel and services.

14 (c) The district may create economic development programs
15 and exercise the economic development powers that:

16 (1) Chapter 380, Local Government Code, provides to a
17 municipality; and

18 (2) Subchapter A, Chapter 1509, Government Code,
19 provides to a municipality.

20 Sec. 3889.109. PARKING FACILITIES. (a) The district may
21 acquire, lease as lessor or lessee, construct, develop, own,
22 operate, and maintain parking facilities or a system of parking
23 facilities, including lots, garages, parking terminals, or other
24 structures or accommodations for parking motor vehicles off the
25 streets and related appurtenances.

26 (b) The district's parking facilities serve the public
27 purposes of the district and are owned, used, and held for a public

1 purpose even if leased or operated by a private entity for a term of
2 years.

3 (c) The district's parking facilities are necessary
4 components of a street and are considered to be a street or road
5 improvement.

6 (d) The development and operation of the district's parking
7 facilities may be considered an economic development program.

8 Sec. 3889.110. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 [Sections 3889.111-3889.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

12 Sec. 3889.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
13 board by resolution shall establish the number of signatures and
14 the procedure required for a disbursement or transfer of the
15 district's money.

16 Sec. 3889.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
17 The district may acquire, construct, finance, operate, or maintain
18 an improvement project or service authorized under this chapter or
19 Chapter 375, Local Government Code, using any money available to
20 the district.

21 Sec. 3889.153. PETITION REQUIRED FOR FINANCING SERVICES AND
22 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
23 service or improvement project with assessments under this chapter
24 unless a written petition requesting that service or improvement
25 has been filed with the board.

26 (b) The petition must be signed by:

27 (1) the owners of a majority of the assessed value of

1 real property in the district subject to assessment according to
2 the most recent certified tax appraisal roll for Harris County; or
3 (2) at least 25 persons who own real property in the
4 district subject to assessment, if more than 25 persons own real
5 property in the district subject to assessment as determined by the
6 most recent certified tax appraisal roll for Harris County.

7 Sec. 3889.154. METHOD OF NOTICE FOR HEARING. The district
8 may mail the notice required by Section 375.115(c), Local
9 Government Code, by certified or first class United States mail.
10 The board shall determine the method of notice.

11 Sec. 3889.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
12 The board by resolution may impose and collect an assessment for any
13 purpose authorized by this chapter in all or any part of the
14 district.

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

20 (1) are a first and prior lien against the property
21 assessed;

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

25 (3) are the personal liability of and a charge against
26 the owners of the property even if the owners are not named in the
27 assessment proceedings.

1 (c) The lien is effective from the date of the board's
2 resolution imposing the assessment until the date the assessment is
3 paid. The board may enforce the lien in the same manner that the
4 board may enforce an ad valorem tax lien against real property.

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

9 Sec. 3889.156. LIMITATION ON AMOUNT OF CERTAIN ASSESSMENTS.
10 An assessment based on the taxable value of real property may not
11 exceed 12 cents per \$100 of assessed valuation of taxable property
12 in the district, according to the most recent certified tax
13 appraisal roll for Harris County.

14 Sec. 3889.157. TAX AND ASSESSMENT ABATEMENTS. The district
15 may designate reinvestment zones and may grant abatements of a tax
16 or assessment on property in the zones.

17 [Sections 3889.158-3889.200 reserved for expansion]

18 SUBCHAPTER E. TAXES AND BONDS

19 Sec. 3889.201. BONDS AND OTHER OBLIGATIONS. (a) The
20 district may issue, by public or private sale, bonds, notes, or
21 other obligations payable wholly or partly from ad valorem taxes or
22 assessments in the manner provided by Subchapter A, Chapter 372, or
23 Subchapter J, Chapter 375, Local Government Code.

24 (b) In exercising the district's borrowing power, the
25 district may issue a bond or other obligation in the form of a bond,
26 note, certificate of participation or other instrument evidencing a
27 proportionate interest in payments to be made by the district, or

1 other type of obligation.

2 (c) In addition to the sources of money described by
3 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local
4 Government Code, district bonds may be secured and made payable
5 wholly or partly by a pledge of any part of the money the district
6 receives from improvement revenue or from any other source.

7 Sec. 3889.202. BOND MATURITY. Bonds may mature not more
8 than 40 years from their date of issue.

9 Sec. 3889.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
10 the time bonds or other obligations payable wholly or partly from ad
11 valorem taxes are issued:

12 (1) the board shall impose a continuing direct annual
13 ad valorem tax for each year that all or part of the bonds are
14 outstanding; and

15 (2) the district annually shall impose an ad valorem
16 tax on all taxable property in the district in an amount sufficient
17 to:

18 (A) pay the interest on the bonds or other
19 obligations as the interest becomes due; and

20 (B) create a sinking fund for the payment of the
21 principal of the bonds or other obligations when due or the
22 redemption price at any earlier required redemption date.

23 [Sections 3889.204-3889.250 reserved for expansion]

24 SUBCHAPTER F. DISSOLUTION

25 Sec. 3889.251. DISSOLUTION BY CITY ORDINANCE. (a) The city
26 by ordinance may dissolve the district.

27 (b) The city may not dissolve the district until the

1 district's outstanding debt or contractual obligations that are
2 payable from ad valorem taxes have been repaid or discharged, or the
3 city has affirmatively assumed the obligation to pay the
4 outstanding debt from city revenue.

5 Sec. 3889.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

6 (a) If the dissolved district has bonds or other obligations
7 outstanding secured by and payable from assessments or other
8 revenue, other than ad valorem taxes, the city shall succeed to the
9 rights and obligations of the district regarding enforcement and
10 collection of the assessments or other revenue.

11 (b) The city shall have and exercise all district powers to
12 enforce and collect the assessments or other revenue to pay:

13 (1) the bonds or other obligations when due and
14 payable according to their terms; or

15 (2) special revenue or assessment bonds or other
16 obligations issued by the city to refund the outstanding bonds or
17 obligations.

18 Sec. 3889.253. CONCURRENCE ON ADDITIONAL POWERS. If the
19 legislature grants the district a power that is in addition to the
20 powers approved by the initial resolution of the governing body of
21 the city consenting to the creation of the district, the district
22 may not exercise that power unless the governing body of the city
23 consents to that change by resolution.

24 Sec. 3889.254. ASSUMPTION OF ASSETS AND LIABILITIES. (a)
25 After the city dissolves the district, the city assumes, subject to
26 the appropriation and availability of funds, the obligations of the
27 district, including any bonds or other debt payable from

1 assessments or other district revenue.

2 (b) If the city dissolves the district, the board shall
3 transfer ownership of all district property to the city.

4 SECTION 2. The Gulfton Area Municipal Management District
5 initially includes all the territory contained in the following
6 area:

7 The District will include the right-of-way of the Toll Road
8 at West Park Toll road, Beginning at that point, and travelling
9 westerly along the US Hwy 59 corridor to Hilcroft, heading
10 southerly along the eastern boundary of the Greater Sharpstown
11 Management District, to Bissonnet Street, then heading easterly
12 along Bissonnet, and including the right-or-way of Bissonnet to
13 Rampart, then south to Pine, then East to Renwick, then North to
14 Bissonnet, then east along Bissonnet to Jassmine, east to Otto,
15 then following the City of Bellaire western city limit line
16 northerly until the point of Beginning.

17 SAVE AND EXCEPT:

18 A PARCEL OF LAND CONTAINING 7.1117 ACRES (309,787 SQUARE FEET) MORE
19 OR LESS BEING LOTS 33, 34, 35, 36, 53, 54, 55, 56 AND 57, BLOCK 23,
20 WESTMORELAND FARMS, AMENDED FIRST SUBDIVISION, AS RECORDED IN
21 VOLUME 3, PAGE 60, HARRIS COUNTY MAP RECORDS, AND BEING TRACT ONE
22 AND TRACT TWO, CONVEYED FROM BELLAIRE RENWICK SQUARE, LTD. TO
23 I.M.C.S. OF TEXAS, INC., AS RECORDED IN COUNTY CLERK'S FILE NO.
24 M893430, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS COUNTY,
25 TEXAS, O.P.R.R.P.H.C.T., SAID 7.1117 ACRE TRACT BEING SITUATED IN
26 THE DAY LAND CATTLE CO. SURVEY, ABSTRACT NO.1167 AND W. TWIST
27 SURVEY, ABSTRACT NO. 765, IN HARRIS COUNTY, TEXAS, AND BEING MORE

1 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
2 BEGINNING, AT A FOUND 5/8 INCH IRON ROD AT THE INTERSECTION OF THE
3 NORTH END OF BELLAIRE BOULEVARD, 120 FOOT RIGHT-OF-WAY, AS SHOWN IN
4 SAID VOLUME 3, PAGE 60, HARRIS COUNTY MAP RECORDS, WITH THE WEST END
5 OF ATWELL STREET, RIGHT-OF-WAY VARIES, FOR THE SOUTHEAST CORNER OF
6 SAID LOT 57, AND THE SOUTHEAST CORNER OF SAID TRACT TWO;
7 THENCE, S 87° 36' 04" W, WITH THE SAID NORTH END OF BELLAIRE
8 BOULEVARD, SAME BEING THE SOUTH END OF SAID LOTS 57, 56, 55, 54 AND
9 53, AND THE SOUTH END OF SAID TRACT TWO, A DISTANCE OF 585.00 FEET TO
10 A SET 5/8 INCH IRON ROD WITH CAP STAMPED CIVIL-SURV, FOR THE MOST
11 EASTERLY CUTBACK CORNER IN THE SAID NORTH END OF BELLAIRE
12 BOULEVARD, WITH THE EAST END OF RENWICK DRIVE, 90 FOOT
13 RIGHT-OF-WAY, SAME BEING THE MOST EASTERLY CORNER OF THAT CERTAIN
14 0.0026 OF AN ACRE TRACT AWARDED TO THE CITY OF HOUSTON IN AN EMINENT
15 DOMAIN PROCEEDING, CITY OF HOUSTON VS. BELLAIRE RENWICK SQUARE,
16 LTD., AS RECORDED IN CAUSE NO. 561577 OF THE COUNTY CIVIL COURT AT
17 LAW NO. 2 OF HARRIS COUNTY, TEXAS: FROM WHICH THE SOUTHWEST CORNER
18 OF SAID LOT 53, AND THE SOUTHWEST CORNER OF SAID TRACT TWO, AND ALSO
19 THE SOUTHWEST CORNER OF THE SAID 0.0026 ACRE TRACT, BEARS, N 87° 36'
20 04" W, 15.00 FEET;
21 THENCE, N 47° 23' 56" W. CROSSING A PORTION OF SAID LOT 53, AND
22 CROSSING A PORTION OF SAID TRACT TWO, WITH THE NORTHEAST END OF THE
23 SAID 0.0026 ACRE TRACT, A DISTANCE OF 21.21 FEET, TO A SET 5/8 INCH
24 IRON ROD WITH CAP STAMPED CIVIL-SURV, IN THE WEST END OF SAID LOT
25 53, AND THE WEST END OF SAID TRACT TWO, FOR THE MOST NORTHERLY
26 CUTBACK CORNER IN THE SAID EAST END OF RENWICK DRIVE, WITH THE SAID
27 NORTH END OF BELLAIRE BOULEVARD, SAME BEING THE MOST NORTHERLY

1 CORNER OF THE SAID 0.0026 ACRE TRACT,
2 THENCE, N 02° 23' 56" W, WITH THE SAID EAST END OF RENWICK DRIVE,
3 SAME BEING THE SAID WEST END OF SAID LOT 53, AND THE WEST END OF SAID
4 TRACT TWO. AT A DISTANCE OF 255.00 FEET, PASS THE SOUTHWEST CORNER
5 OF SAID LOT 33, AND THE SOUTHWEST CORNER OF SAID TRACT ONE, SAME
6 BEING THE NORTHWEST CORNER OF SAID LOT 53, AND THE NORTHWEST CORNER
7 OF SAID TRACT TWO, AND WITH THE WEST END OF SAID LOT 33, AND THE WEST
8 END OF SAID TRACT ONE, A TOTAL DISTANCE OF 555.00 FEET, TO A FOUND
9 5/8 INCH IRON ROD WITH CAP, AT THE INTERSECTION OF THE SAID EAST END
10 OF RENWICK DRIVE, WITH THE SOUTH END OF DASHWOOD STREET, 60 FOOT
11 RIGHT-OF-WAY, AS SHOWN IN SAID VOLUME 3, PAGE 60, HARRIS COUNTY MAP
12 RECORDS, FOR THE NORTHWEST CORNER OF SAID LOT 33, AND THE NORTHWEST
13 CORNER OF SAID TRACT ONE;
14 THENCE, N 87° 36' 04" E, WITH THE SAID SOUTH END OF DASHWOOD STREET,
15 SAME BEING THE NORTH END OF SAID LOTS 33, 34, 35, AND 36, AND THE
16 NORTH END OF SAID TRACT ONE, A DISTANCE OF 493.00 FEET, TO A FOUND
17 "X" CUT IN CONCRETE, FOR THE NORTHWEST CORNER OF LOT 37, OF SAID
18 BLOCK 23, AND THE NORTHWEST CORNER OF THAT CERTAIN TRACT CONVEYED
19 FROM EUGENE R. CRAN TO DEBBIE CRAN, AS RECORDED IN COUNTY CLERK'S
20 FILE NO. N243327, O.P.R.R.P.R.C.T., SAME BEING THE NORTHEAST CORNER
21 OF SAID LOT 36, AND THE NORTHEAST CORNER OF SAID TRACT ONE, FROM
22 WHICH A FOUND 5/8 INCH IRON ROD, AT THE INTERSECTION OF THE SAID
23 SOUTH END OF DASHWOOD STREET, WITH THE SAID WEST END OF ATWELL
24 STREET. FOR THE NORTHEAST CORNER OF SAID LOT 37, AND THE NORTHEAST
25 CORNER OF THE SAID CRAN TRACT, BEARS, N 87° 36' 04" E, 107.00 FEET;
26 THENCE, S 02° 23' 56" E, WITH THE WEST END OF SAID LOT 37, AND THE
27 WEST END OF THE SAID CRAN TRACT, SAME BEING THE EAST END OF SAID LOT

1 36, AND THE EAST END OF SAID TRACT ONE, A DISTANCE OF 300.00 FEET, TO
2 A FOUND 5/8 INCH IRON ROD WITH CAP, IN THE NORTH END OF SAID TRACT
3 TWO, FOR THE SOUTHWEST CORNER OF SAID LOT 37, AND THE SOUTHWEST
4 CORNER OF THE SAID CRAN TRACT, SAME BEING THE SOUTHEAST CORNER OF
5 SAID LOT 36, AND THE SOUTHEAST CORNER OF SAID TRACT ONE, SAME ALSO
6 BEING THE NORTHEAST CORNER OF SAID LOT 56, AND ALSO BEING THE
7 NORTHWEST CORNER OF SAID LOT 57;
8 THENCE, N 87° 36' 04" E, WITH THE SOUTH END OF SAID LOT 37, AND THE
9 SOUTH END OF THE SAID CRAN TRACT, SAME BEING THE NORTH END OF SAID
10 LOT 57, AND THE SAID NORTH END OF TRACT TWO, A DISTANCE OF 107.00
11 FEET, TO A POINT IN THE SAID WEST END OF ATWELL STREET, FOR THE
12 SOUTHEAST CORNER OF SAID LOT 37, AND THE SOUTHEAST CORNER OF THE
13 SAID CRAN TRACT, SAME BEING THE NORTHEAST CORNER OF SAID LOT 57, AND
14 THE NORTHEAST CORNER OF SAID TRACT TWO, FROM WHICH A FOUND 5/8 INCH
15 IRON ROD WITH CAP, BEARS. S 02° 23' 56" E, 1.09 FEET;
16 THENCE, S 02° 23' 56" E, WITH THE SAID WEST END OF ATWELL STREET,
17 SAME BEING THE EAST END OF SAID LOT 57, AND THE EAST END OF SAID
18 TRACT TWO, A DISTANCE OF 270.00 FEET, TO THE POINT OF BEGINNING AND
19 CONTAINING 7.1117 ACRES (309,787 SQUARE FEET) OF LAND MORE OR LESS.

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

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

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

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

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

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

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Atty Gen
Secretary of the Senate

Mario Gallego Jr

By: _____

H.B. No. 3928

Substitute the following for H.B. No. 3828.

By: *M. Gallego*

C.S. H.B. No. 3828

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Gulfton Area Municipal Management
3 District; providing authority to impose a tax, levy an assessment,
4 and issue bonds.

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

6 SECTION 1. Subtitle C, Title 4, Special District Local Laws
7 Code, is amended by adding Chapter 3889 to read as follows:

8 CHAPTER 3889. GULFTON AREA MUNICIPAL MANAGEMENT DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3889.001. DEFINITIONS. In this chapter:

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

12 (2) "City" means the City of Houston, Texas.

13 (3) "Director" means a board member.

14 (4) "District" means the Gulfton Area Municipal
15 Management District.

16 Sec. 3889.002. CREATION AND NATURE OF DISTRICT. The
17 district is a special district created under Section 59, Article
18 XVI, Texas Constitution.

19 Sec. 3889.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
20 creation of the district is essential to accomplish the purposes of
21 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
22 Texas Constitution, and other public purposes stated in this
23 chapter. By creating the district and in authorizing the city and
24 other political subdivisions to contract with the district, the

1 legislature has established a program to accomplish the public
2 purposes set out in Section 52-a, 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) The district is created to supplement and not to
9 supplant city services provided in the district.

10 Sec. 3889.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
11 The district is created to serve a public use and benefit.

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

17 (c) The creation of the district is in the public interest
18 and is essential to further the public purposes of:

19 (1) developing and diversifying the economy of the
20 state;

21 (2) eliminating unemployment and underemployment;

22 (3) developing or expanding transportation and
23 commerce; and

24 (4) providing quality residential housing.

25 (d) The district will:

26 (1) promote the health, safety, and general welfare of
27 residents, employers, potential employees, employees, visitors,

1 and consumers in the district, and of the public;

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

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

11 (e) Pedestrian ways along or across a street, whether at
12 grade or above or below the surface, and street lighting, street
13 landscaping, vehicle parking, and street art objects are parts of
14 and necessary components of a street and are considered to be an
15 improvement project that includes a street or road improvement.

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

19 Sec. 3889.005. DISTRICT TERRITORY. (a) The district is
20 initially composed of the territory described by Section 2 of the
21 Act enacting this chapter.

22 (b) The boundaries and field notes contained in Section 2 of
23 the Act enacting this chapter form a closure. A mistake in the
24 field notes or in copying the field notes in the legislative process
25 does not affect the district's:

26 (1) organization, existence, or validity;

27 (2) right to issue any type of bond for the purposes

1 for which the district is created or to pay the principal of and
2 interest on the bond;

- 3 (3) right to impose or collect an assessment or tax; or
4 (4) legality or operation.

5 Sec. 3889.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

6 (a) All or any part of the area of the district is eligible to be
7 included in:

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

10 (2) a tax abatement reinvestment zone created under
11 Chapter 312, Tax Code;

12 (3) an enterprise zone created under Chapter 2303,
13 Government Code; or

14 (4) an industrial district created under Chapter 42,
15 Local Government Code.

16 (b) If the city creates a tax increment reinvestment zone
17 described by Subsection (a), the city and the board of directors of
18 the zone, by contract with the district, may grant money deposited
19 in the tax increment fund to the district to be used by the district
20 for the purposes permitted for money granted to a corporation under
21 Section 380.002(b), Local Government Code, including the right to
22 pledge the money as security for any bonds issued by the district
23 for an improvement project. A project may not receive public funds
24 under Section 380.002(b), Local Government Code, unless the project
25 has been approved by the governing body of the city.

26 (c) A tax increment reinvestment zone created by the city in
27 the district is not subject to the limitations provided by Section

1 311.006(b), Tax Code.

2 Sec. 3889.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
3 DISTRICTS LAW. Except as otherwise provided by this chapter,
4 Chapter 375, Local Government Code, applies to the district.

5 Sec. 3889.008. LIBERAL CONSTRUCTION OF CHAPTER. This
6 chapter shall be liberally construed in conformity with the
7 findings and purposes stated in this chapter.

8 [Sections 3889.009-3889.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 3889.051. GOVERNING BODY; TERMS. The district is
11 governed by a board of seven directors who serve staggered terms of
12 four years expiring June 1 of each even-numbered year.

13 Sec. 3889.052. QUALIFICATIONS OF DIRECTORS APPOINTED BY
14 CITY. (a) To be qualified to serve as a director appointed by the
15 governing body of the city, a person must be:

16 (1) a resident of the district who is also a registered
17 voter of the district;

18 (2) an owner of property in the district;

19 (3) an owner of stock or a partnership or membership
20 interest, whether beneficial or otherwise, of a corporate
21 partnership, limited liability company, or other entity owner of a
22 direct or indirect interest in property in the district;

23 (4) an owner of a beneficial interest in a trust, or a
24 trustee in a trust, that directly or indirectly owns property in the
25 district; or

26 (5) an agent, employee, or tenant of a person
27 described by Subdivision (2), (3), or (4).

1 (b) Section 49.052, Water Code, does not apply to the
2 district.

3 Sec. 3889.053. APPOINTMENT OF DIRECTORS. The governing
4 body of the city shall appoint directors from persons recommended
5 by the board.

6 Sec. 3889.054. VACANCY. If a vacancy occurs on the board,
7 the remaining directors shall appoint a director for the remainder
8 of the unexpired term.

9 Sec. 3889.055. DIRECTOR'S OATH OR AFFIRMATION. (a) A
10 director shall file the director's oath or affirmation of office
11 with the district, and the district shall retain the oath or
12 affirmation in the district records.

13 (b) A director shall file a copy of the director's oath or
14 affirmation with the secretary of the city.

15 Sec. 3889.056. QUORUM. A vacant director position is not
16 counted for purposes of establishing a quorum.

17 Sec. 3889.057. OFFICERS. The board shall elect from among
18 the directors a chair, a vice chair, and a secretary. The offices
19 of chair and secretary may not be held by the same person.

20 Sec. 3889.058. COMPENSATION; EXPENSES. (a) The district
21 may compensate each director in an amount not to exceed \$50 for each
22 board meeting. The total amount of compensation for each director
23 in one year may not exceed \$2,000.

24 (b) A director is entitled to reimbursement for necessary
25 and reasonable expenses incurred in carrying out the duties and
26 responsibilities of the board.

27 Sec. 3889.059. LIABILITY INSURANCE. The district may

1 obtain and pay for comprehensive general liability insurance
2 coverage from a commercial insurance company or other source that
3 protects and insures a director against personal liability and from
4 all claims relating to:

5 (1) actions taken by the director in the director's
6 capacity as a member of the board;

7 (2) actions and activities taken by the district; or

8 (3) the actions of others acting on behalf of the
9 district.

10 Sec. 3889.060. NO EXECUTIVE COMMITTEE. The board may not
11 create an executive committee to exercise the powers of the board.

12 Sec. 3889.061. BOARD MEETINGS. The board shall hold
13 meetings at a place accessible to the public.

14 Sec. 3889.062. INITIAL DIRECTORS. (a) The initial board
15 consists of:

	<u>Pos. No.</u>	<u>Name of Director</u>
16		
17	<u>1</u>	<u>Shelly E. Richardson</u>
18	<u>2</u>	<u>Paul Rafferty</u>
19	<u>3</u>	<u>Tammy Rodriguez</u>
20	<u>4</u>	<u>Mike Irwin</u>
21	<u>5</u>	<u>Richard Rodriguez</u>
22	<u>6</u>	<u>Joy Rice</u>
23	<u>7</u>	<u>Patrick Horton</u>

24 (b) The terms of the initial directors expire June 1, 2012.

25 (c) Of the directors who replace an initial director, the
26 terms of directors serving in positions 1, 2, 3, and 4 expire June
27 1, 2014, and the terms of directors serving in positions 5, 6, and 7

1 expire June 1, 2016.

2 (d) Section 3889.052 does not apply to this section.

3 (e) This section expires September 1, 2012.

4 [Sections 3889.063-3889.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 3889.101. GENERAL POWERS AND DUTIES. The district has
7 the powers and duties necessary to accomplish the purposes for
8 which the district is created.

9 Sec. 3889.102. IMPROVEMENT PROJECTS AND SERVICES. (a) The
10 district may provide, design, construct, acquire, improve,
11 relocate, operate, maintain, or finance an improvement project or
12 service using money available to the district, or contract with a
13 governmental or private entity to provide, design, construct,
14 acquire, improve, relocate, operate, maintain, or finance an
15 improvement project or service authorized under this chapter or
16 Chapter 375, Local Government Code.

17 (b) An improvement project described by Subsection (a) may
18 be located:

19 (1) in the district; or

20 (2) in an area outside but adjacent to the district if
21 the project is for the purpose of extending a public infrastructure
22 improvement beyond the district's boundaries to a logical terminus.

23 Sec. 3889.103. DEVELOPMENT CORPORATION POWERS. The
24 district, using money available to the district, may exercise the
25 powers given to a development corporation under Chapter 505, Local
26 Government Code, including the power to own, operate, acquire,
27 construct, lease, improve, or maintain a project under that

1 chapter.

2 Sec. 3889.104. NONPROFIT CORPORATION. (a) The board by
3 resolution may authorize the creation of a nonprofit corporation to
4 assist and act for the district in implementing a project or
5 providing a service authorized by this chapter.

6 (b) The nonprofit corporation:

7 (1) has each power of and is considered to be a local
8 government corporation created under Subchapter D, Chapter 431,
9 Transportation Code; and

10 (2) may implement any project and provide any service
11 authorized by this chapter.

12 (c) The board shall appoint the board of directors of the
13 nonprofit corporation. The board of directors of the nonprofit
14 corporation shall serve in the same manner as the board of directors
15 of a local government corporation created under Subchapter D,
16 Chapter 431, Transportation Code, except that a board member is not
17 required to reside in the district.

18 Sec. 3889.105. AGREEMENTS; GRANTS. (a) As provided by
19 Chapter 375, Local Government Code, the district may make an
20 agreement with or accept a gift, grant, or loan from any person.

21 (b) The implementation of a project is a governmental
22 function or service for the purposes of Chapter 791, Government
23 Code.

24 Sec. 3889.106. LAW ENFORCEMENT SERVICES. To protect the
25 public interest, the district may contract with a qualified party,
26 including Harris County or the city, to provide law enforcement
27 services in the district for a fee.

1 Sec. 3889.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
2 district may join and pay dues to a charitable or nonprofit
3 organization that performs a service or provides an activity
4 consistent with the furtherance of a district purpose.

5 Sec. 3889.108. ECONOMIC DEVELOPMENT. (a) The district may
6 engage in activities that accomplish the economic development
7 purposes of the district.

8 (b) The district may establish and provide for the
9 administration of one or more programs to promote state or local
10 economic development and to stimulate business and commercial
11 activity in the district, including programs to:

12 (1) make loans and grants of public money; and

13 (2) provide district personnel and services.

14 (c) The district may create economic development programs
15 and exercise the economic development powers that:

16 (1) Chapter 380, Local Government Code, provides to a
17 municipality; and

18 (2) Subchapter A, Chapter 1509, Government Code,
19 provides to a municipality.

20 Sec. 3889.109. PARKING FACILITIES. (a) The district may
21 acquire, lease as lessor or lessee, construct, develop, own,
22 operate, and maintain parking facilities or a system of parking
23 facilities, including lots, garages, parking terminals, or other
24 structures or accommodations for parking motor vehicles off the
25 streets and related appurtenances.

26 (b) The district's parking facilities serve the public
27 purposes of the district and are owned, used, and held for a public

1 purpose even if leased or operated by a private entity for a term of
2 years.

3 (c) The district's parking facilities are necessary
4 components of a street and are considered to be a street or road
5 improvement.

6 (d) The development and operation of the district's parking
7 facilities may be considered an economic development program.

8 Sec. 3889.110. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 [Sections 3889.111-3889.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

12 Sec. 3889.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
13 board by resolution shall establish the number of signatures and
14 the procedure required for a disbursement or transfer of the
15 district's money.

16 Sec. 3889.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
17 The district may acquire, construct, finance, operate, or maintain
18 an improvement project or service authorized under this chapter or
19 Chapter 375, Local Government Code, using any money available to
20 the district.

21 Sec. 3889.153. PETITION REQUIRED FOR FINANCING SERVICES AND
22 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
23 service or improvement project with assessments under this chapter
24 unless a written petition requesting that service or improvement
25 has been filed with the board.

26 (b) The petition must be signed by:

27 (1) the owners of a majority of the assessed value of

1 real property in the district subject to assessment according to
2 the most recent certified tax appraisal roll for Harris County; or
3 (2) at least 25 persons who own real property in the
4 district subject to assessment, if more than 25 persons own real
5 property in the district subject to assessment as determined by the
6 most recent certified tax appraisal roll for Harris County.

7 Sec. 3889.154. METHOD OF NOTICE FOR HEARING. The district
8 may mail the notice required by Section 375.115(c), Local
9 Government Code, by certified or first class United States mail.
10 The board shall determine the method of notice.

11 Sec. 3889.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
12 The board by resolution may impose and collect an assessment for any
13 purpose authorized by this chapter in all or any part of the
14 district.

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

20 (1) are a first and prior lien against the property
21 assessed;

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

25 (3) are the personal liability of and a charge against
26 the owners of the property even if the owners are not named in the
27 assessment proceedings.

1 (c) The lien is effective from the date of the board's
2 resolution imposing the assessment until the date the assessment is
3 paid. The board may enforce the lien in the same manner that the
4 board may enforce an ad valorem tax lien against real property.

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

9 Sec. 3889.156. LIMITATION ON AMOUNT OF CERTAIN ASSESSMENTS.

10 An assessment based on the taxable value of real property may not
11 exceed 12 cents per \$100 of assessed valuation of taxable property
12 in the district, according to the most recent certified tax
13 appraisal roll for Harris County.

14 Sec. 3889.157. TAX AND ASSESSMENT ABATEMENTS. The district
15 may designate reinvestment zones and may grant abatements of a tax
16 or assessment on property in the zones.

17 [Sections 3889.158-3889.200 reserved for expansion]

18 SUBCHAPTER E. TAXES AND BONDS

19 Sec. 3889.201. BONDS AND OTHER OBLIGATIONS. (a) The
20 district may issue, by public or private sale, bonds, notes, or
21 other obligations payable wholly or partly from ad valorem taxes or
22 assessments in the manner provided by Subchapter A, Chapter 372, or
23 Subchapter J, Chapter 375, Local Government Code.

24 (b) In exercising the district's borrowing power, the
25 district may issue a bond or other obligation in the form of a bond,
26 note, certificate of participation or other instrument evidencing a
27 proportionate interest in payments to be made by the district, or

1 other type of obligation.

2 (c) In addition to the sources of money described by
3 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local
4 Government Code, district bonds may be secured and made payable
5 wholly or partly by a pledge of any part of the money the district
6 receives from improvement revenue or from any other source.

7 Sec. 3889.202. BOND MATURITY. Bonds may mature not more
8 than 40 years from their date of issue.

9 Sec. 3889.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
10 the time bonds or other obligations payable wholly or partly from ad
11 valorem taxes are issued:

12 (1) the board shall impose a continuing direct annual
13 ad valorem tax for each year that all or part of the bonds are
14 outstanding; and

15 (2) the district annually shall impose an ad valorem
16 tax on all taxable property in the district in an amount sufficient
17 to:

18 (A) pay the interest on the bonds or other
19 obligations as the interest becomes due; and

20 (B) create a sinking fund for the payment of the
21 principal of the bonds or other obligations when due or the
22 redemption price at any earlier required redemption date.

23 Sec. 3889.204. ELECTIONS REGARDING TAXES. The district
24 must hold an election in the manner provided by Chapters 49 and 54,
25 Water Code, to obtain voter approval before the district may impose
26 an ad valorem tax.

27 [Sections 3889.205-3889.250 reserved for expansion]

1 Sec. 3889.254. ASSUMPTION OF ASSETS AND LIABILITIES. (a)

2 After the city dissolves the district, the city assumes, subject to
3 the appropriation and availability of funds, the obligations of the
4 district, including any bonds or other debt payable from
5 assessments or other district revenue.

6 (b) If the city dissolves the district, the board shall
7 transfer ownership of all district property to the city.

8 SECTION 2. The Gulfton Area Municipal Management District
9 initially includes all the territory contained in the following
10 area:

11 The District will include the right-of-way of the Toll Road
12 at West Park Toll road, Beginning at that point, and travelling
13 westerly along the US Hwy 59 corridor to Hilcroft, heading
14 southerly along the eastern boundary of the Greater Sharpstown
15 Management District, to Bissonnet Street, then heading easterly
16 along Bissonnet, and including the right-or-way of Bissonnet to
17 Rampart, then south to Pine, then East to Renwick, then North to
18 Bissonnet, then east along Bissonnet to Jassmine, east to Otto,
19 then following the City of Bellaire western city limit line
20 northerly until the point of Beginning.

21 SAVE AND EXCEPT:

22 A PARCEL OF LAND CONTAINING 7.1117 ACRES (309,787 SQUARE FEET) MORE
23 OR LESS BEING LOTS 33, 34, 35, 36, 53, 54, 55, 56 AND 57, BLOCK 23,
24 WESTMORELAND FARMS, AMENDED FIRST SUBDIVISION, AS RECORDED IN
25 VOLUME 3, PAGE 60, HARRIS COUNTY MAP RECORDS, AND BEING TRACT ONE
26 AND TRACT TWO, CONVEYED FROM BELLAIRE RENWICK SQUARE, LTD. TO
27 I.M.C.S. OF TEXAS, INC., AS RECORDED IN COUNTY CLERK'S FILE NO.

1 M893430, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS COUNTY,
2 TEXAS, O.P.R.R.P.H.C.T., SAID 7.1117 ACRE TRACT BEING SITUATED IN
3 THE DAY LAND CATTLE CO. SURVEY, ABSTRACT NO.1167 AND W. TWIST
4 SURVEY, ABSTRACT NO. 765, IN HARRIS COUNTY, TEXAS, AND BEING MORE
5 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
6 BEGINNING, AT A FOUND 5/8 INCH IRON ROD AT THE INTERSECTION OF THE
7 NORTH END OF BELLAIRE BOULEVARD, 120 FOOT RIGHT-OF-WAY, AS SHOWN IN
8 SAID VOLUME 3, PAGE 60, HARRIS COUNTY MAP RECORDS, WITH THE WEST END
9 OF ATWELL STREET, RIGHT-OF-WAY VARIES, FOR THE SOUTHEAST CORNER OF
10 SAID LOT 57, AND THE SOUTHEAST CORNER OF SAID TRACT TWO;
11 THENCE, S 87° 36' 04" W, WITH THE SAID NORTH END OF BELLAIRE
12 BOULEVARD, SAME BEING THE SOUTH END OF SAID LOTS 57, 56, 55, 54 AND
13 53, AND THE SOUTH END OF SAID TRACT TWO, A DISTANCE OF 585.00 FEET TO
14 A SET 5/8 INCH IRON ROD WITH CAP STAMPED CIVIL-SURV, FOR THE MOST
15 EASTERLY CUTBACK CORNER IN THE SAID NORTH END OF BELLAIRE
16 BOULEVARD, WITH THE EAST END OF RENWICK DRIVE, 90 FOOT
17 RIGHT-OF-WAY, SAME BEING THE MOST EASTERLY CORNER OF THAT CERTAIN
18 0.0026 OF AN ACRE TRACT AWARDED TO THE CITY OF HOUSTON IN AN EMINENT
19 DOMAIN PROCEEDING, CITY OF HOUSTON VS. BELLAIRE RENWICK SQUARE,
20 LTD., AS RECORDED IN CAUSE NO. 561577 OF THE COUNTY CIVIL COURT AT
21 LAW NO. 2 OF HARRIS COUNTY, TEXAS: FROM WHICH THE SOUTHWEST CORNER
22 OF SAID LOT 53, AND THE SOUTHWEST CORNER OF SAID TRACT TWO, AND ALSO
23 THE SOUTHWEST CORNER OF THE SAID 0.0026 ACRE TRACT, BEARS, N 87° 36'
24 04" W, 15.00 FEET;
25 THENCE, N 47° 23' 56" W. CROSSING A PORTION OF SAID LOT 53, AND
26 CROSSING A PORTION OF SAID TRACT TWO, WITH THE NORTHEAST END OF THE
27 SAID 0.0026 ACRE TRACT, A DISTANCE OF 21.21 FEET, TO A SET 5/8 INCH

1 IRON ROD WITH CAP STAMPED CIVIL-SURV, IN THE WEST END OF SAID LOT
2 53, AND THE WEST END OF SAID TRACT TWO, FOR THE MOST NORTHERLY
3 CUTBACK CORNER IN THE SAID EAST END OF RENWICK DRIVE, WITH THE SAID
4 NORTH END OF BELLAIRE BOULEVARD, SAME BEING THE MOST NORTHERLY
5 CORNER OF THE SAID 0.0026 ACRE TRACT,
6 THENCE, N 02° 23' 56" W, WITH THE SAID EAST END OF RENWICK DRIVE,
7 SAME BEING THE SAID WEST END OF SAID LOT 53, AND THE WEST END OF SAID
8 TRACT TWO. AT A DISTANCE OF 255.00 FEET, PASS THE SOUTHWEST CORNER
9 OF SAID LOT 33, AND THE SOUTHWEST CORNER OF SAID TRACT ONE, SAME
10 BEING THE NORTHWEST CORNER OF SAID LOT 53, AND THE NORTHWEST CORNER
11 OF SAID TRACT TWO, AND WITH THE WEST END OF SAID LOT 33, AND THE WEST
12 END OF SAID TRACT ONE, A TOTAL DISTANCE OF 555.00 FEET, TO A FOUND
13 5/8 INCH IRON ROD WITH CAP, AT THE INTERSECTION OF THE SAID EAST END
14 OF RENWICK DRIVE, WITH THE SOUTH END OF DASHWOOD STREET, 60 FOOT
15 RIGHT-OF-WAY, AS SHOWN IN SAID VOLUME 3, PAGE 60, HARRIS COUNTY MAP
16 RECORDS, FOR THE NORTHWEST CORNER OF SAID LOT 33, AND THE NORTHWEST
17 CORNER OF SAID TRACT ONE;
18 THENCE, N 87° 36' 04" E, WITH THE SAID SOUTH END OF DASHWOOD STREET,
19 SAME BEING THE NORTH END OF SAID LOTS 33, 34, 35, AND 36, AND THE
20 NORTH END OF SAID TRACT ONE, A DISTANCE OF 493.00 FEET, TO A FOUND
21 "X" CUT IN CONCRETE, FOR THE NORTHWEST CORNER OF LOT 37, OF SAID
22 BLOCK 23, AND THE NORTHWEST CORNER OF THAT CERTAIN TRACT CONVEYED
23 FROM EUGENE R. CRAN TO DEBBIE CRAN, AS RECORDED IN COUNTY CLERK'S
24 FILE NO. N243327, O.P.R.R.P.R.C.T., SAME BEING THE NORTHEAST CORNER
25 OF SAID LOT 36, AND THE NORTHEAST CORNER OF SAID TRACT ONE, FROM
26 WHICH A FOUND 5/8 INCH IRON ROD, AT THE INTERSECTION OF THE SAID
27 SOUTH END OF DASHWOOD STREET, WITH THE SAID WEST END OF ATWELL

1 STREET. FOR THE NORTHEAST CORNER OF SAID LOT 37, AND THE NORTHEAST
2 CORNER OF THE SAID CRAN TRACT, BEARS, N 87° 36' 04" E, 107.00 FEET;
3 THENCE, S 02° 23' 56" E, WITH THE WEST END OF SAID LOT 37, AND THE
4 WEST END OF THE SAID CRAN TRACT, SAME BEING THE EAST END OF SAID LOT
5 36, AND THE EAST END OF SAID TRACT ONE, A DISTANCE OF 300.00 FEET, TO
6 A FOUND 5/8 INCH IRON ROD WITH CAP, IN THE NORTH END OF SAID TRACT
7 TWO, FOR THE SOUTHWEST CORNER OF SAID LOT 37, AND THE SOUTHWEST
8 CORNER OF THE SAID CRAN TRACT, SAME BEING THE SOUTHEAST CORNER OF
9 SAID LOT 36, AND THE SOUTHEAST CORNER OF SAID TRACT ONE, SAME ALSO
10 BEING THE NORTHEAST CORNER OF SAID LOT 56, AND ALSO BEING THE
11 NORTHWEST CORNER OF SAID LOT 57;
12 THENCE, N 87° 36' 04" E, WITH THE SOUTH END OF SAID LOT 37, AND THE
13 SOUTH END OF THE SAID CRAN TRACT, SAME BEING THE NORTH END OF SAID
14 LOT 57, AND THE SAID NORTH END OF TRACT TWO, A DISTANCE OF 107.00
15 FEET, TO A POINT IN THE SAID WEST END OF ATWELL STREET, FOR THE
16 SOUTHEAST CORNER OF SAID LOT 37, AND THE SOUTHEAST CORNER OF THE
17 SAID CRAN TRACT, SAME BEING THE NORTHEAST CORNER OF SAID LOT 57, AND
18 THE NORTHEAST CORNER OF SAID TRACT TWO, FROM WHICH A FOUND 5/8 INCH
19 IRON ROD WITH CAP, BEARS. S 02° 23' 56" E, 1.09 FEET;
20 THENCE, S 02° 23' 56" E, WITH THE SAID WEST END OF ATWELL STREET,
21 SAME BEING THE EAST END OF SAID LOT 57, AND THE EAST END OF SAID
22 TRACT TWO, A DISTANCE OF 270.00 FEET, TO THE POINT OF BEGINNING AND
23 CONTAINING 7.1117 ACRES (309,787 SQUARE FEET) OF LAND MORE OR LESS.

24 SECTION 3. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

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

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor,
9 lieutenant governor, and speaker of the house of representatives
10 within the required time.

11 (d) The general law relating to consent by political
12 subdivisions to the creation of districts with conservation,
13 reclamation, and road powers and the inclusion of land in those
14 districts has been complied with.

15 (e) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act have been
18 fulfilled and accomplished.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3828 by Hochberg (Relating to the creation of the Gulfton Area Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SD, KKR, SZ, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3828 by Hochberg (Relating to the creation of the Gulfton Area Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, SZ, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3828 by Hochberg (Relating to the creation of the Gulfton Area Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, SZ, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 15, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3828 by Hochberg (Relating to the creation of the Gulfton Area Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SZ, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 25, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3828 by Hochberg (Relating to the creation of the Gulfton Area Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TPWD) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

No Water Development Policy Impact Statement will be prepared for this bill under the provisions of *Texas Constitution*, Article 16, Section 59(d) as this bill does not create a conservation and reclamation district.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, SZ