

1-1 By: Murphy (Senate Sponsor - Huffman) H.B. No. 964
 1-2 (In the Senate - Received from the House April 29, 2013;
 1-3 April 29, 2013, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 10, 2013, reported favorably by
 1-5 the following vote: Yeas 5, Nays 0; May 10, 2013, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED
 1-15 AN ACT

1-16 relating to the creation of the Harris County Municipal Utility
 1-17 District No. 529; granting a limited power of eminent domain;
 1-18 providing authority to issue bonds; providing authority to impose
 1-19 assessments, fees, or taxes.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-22 Code, is amended by adding Chapter 8444 to read as follows:

1-23 CHAPTER 8444. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 529
 1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 8444.001. DEFINITIONS. In this chapter:
 1-26 (1) "Board" means the district's board of directors.
 1-27 (2) "Commission" means the Texas Commission on
 1-28 Environmental Quality.

1-29 (3) "Director" means a board member.
 1-30 (4) "District" means the Harris County Municipal
 1-31 Utility District No. 529.

1-32 Sec. 8444.002. NATURE OF DISTRICT. The district is a
 1-33 municipal utility district created under Section 59, Article XVI,
 1-34 Texas Constitution.

1-35 Sec. 8444.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-36 REQUIRED. The temporary directors shall hold an election to
 1-37 confirm the creation of the district and to elect five permanent
 1-38 directors as provided by Section 49.102, Water Code.

1-39 Sec. 8444.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-40 temporary directors may not hold an election under Section 8444.003
 1-41 until each municipality in whose corporate limits or
 1-42 extraterritorial jurisdiction the district is located has
 1-43 consented by ordinance or resolution to the creation of the
 1-44 district and to the inclusion of land in the district.

1-45 Sec. 8444.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
 1-46 The district is created to serve a public purpose and benefit.

1-47 (b) The district is created to accomplish the purposes of a
 1-48 municipal utility district as provided by general law and Section
 1-49 59, Article XVI, Texas Constitution.

1-50 Sec. 8444.006. INITIAL DISTRICT TERRITORY. (a) The
 1-51 district is initially composed of the territory described by
 1-52 Section 2 of the Act enacting this chapter.

1-53 (b) The boundaries and field notes contained in Section 2 of
 1-54 the Act enacting this chapter form a closure. A mistake made in the
 1-55 field notes or in copying the field notes in the legislative process
 1-56 does not affect the district's:

1-57 (1) organization, existence, or validity;

1-58 (2) right to issue any type of bond for the purposes
 1-59 for which the district is created or to pay the principal of and
 1-60 interest on a bond;

1-61 (3) right to impose a tax; or

2-1 (4) legality or operation.

2-2 SUBCHAPTER B. BOARD OF DIRECTORS

2-3 Sec. 8444.051. GOVERNING BODY; TERMS. (a) The district is
 2-4 governed by a board of five elected directors.

2-5 (b) Except as provided by Section 8444.052, directors serve
 2-6 staggered four-year terms.

2-7 Sec. 8444.052. TEMPORARY DIRECTORS. (a) The temporary
 2-8 board consists of:

2-9 (1) Joseph Forrester;

2-10 (2) Eric Willis;

2-11 (3) George Kaleh;

2-12 (4) Jennifer Montgomery; and

2-13 (5) Dan Quinlan.

2-14 (b) Temporary directors serve until the earlier of:

2-15 (1) the date permanent directors are elected under
 2-16 Section 8444.003; or

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

2-19 (c) If permanent directors have not been elected under
 2-20 Section 8444.003 and the terms of the temporary directors have
 2-21 expired, successor temporary directors shall be appointed or
 2-22 reappointed as provided by Subsection (d) to serve terms that
 2-23 expire on the earlier of:

2-24 (1) the date permanent directors are elected under
 2-25 Section 8444.003; or

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

2-28 (d) If Subsection (c) applies, the owner or owners of a
 2-29 majority of the assessed value of the real property in the district
 2-30 may submit a petition to the commission requesting that the
 2-31 commission appoint as successor temporary directors the five
 2-32 persons named in the petition. The commission shall appoint as
 2-33 successor temporary directors the five persons named in the
 2-34 petition.

2-35 SUBCHAPTER C. POWERS AND DUTIES

2-36 Sec. 8444.101. GENERAL POWERS AND DUTIES. The district has
 2-37 the powers and duties necessary to accomplish the purposes for
 2-38 which the district is created.

2-39 Sec. 8444.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-40 DUTIES. The district has the powers and duties provided by the
 2-41 general law of this state, including Chapters 49 and 54, Water Code,
 2-42 applicable to municipal utility districts created under Section 59,
 2-43 Article XVI, Texas Constitution.

2-44 Sec. 8444.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-45 OR RESOLUTION. The district shall comply with all applicable
 2-46 requirements of any ordinance or resolution that is adopted under
 2-47 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-48 creation of the district or to the inclusion of land in the
 2-49 district.

2-50 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-51 Sec. 8444.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
 2-52 district may issue, without an election, bonds and other
 2-53 obligations secured by:

2-54 (1) revenue other than ad valorem taxes; or

2-55 (2) contract payments described by Section 8444.153.

2-56 (b) The district must hold an election in the manner
 2-57 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 2-58 before the district may impose an ad valorem tax or issue bonds
 2-59 payable from ad valorem taxes.

2-60 Sec. 8444.152. OPERATION AND MAINTENANCE TAX. (a) If
 2-61 authorized at an election held under Section 8444.151, the district
 2-62 may impose an operation and maintenance tax on taxable property in
 2-63 the district in accordance with Section 49.107, Water Code.

2-64 (b) The board shall determine the tax rate. The rate may not
 2-65 exceed the rate approved at the election.

2-66 Sec. 8444.153. CONTRACT TAXES. (a) In accordance with
 2-67 Section 49.108, Water Code, the district may impose a tax other than
 2-68 an operation and maintenance tax and use the revenue derived from
 2-69 the tax to make payments under a contract after the provisions of

3-1 the contract have been approved by a majority of the district voters
 3-2 voting at an election held for that purpose.

3-3 (b) A contract approved by the district voters may contain a
 3-4 provision stating that the contract may be modified or amended by
 3-5 the board without further voter approval.

3-6 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-7 Sec. 8444.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-8 OBLIGATIONS. The district may issue bonds or other obligations
 3-9 payable wholly or partly from ad valorem taxes, impact fees,
 3-10 revenue, contract payments, grants, or other district money, or any
 3-11 combination of those sources, to pay for any authorized district
 3-12 purpose.

3-13 Sec. 8444.202. TAXES FOR BONDS. At the time the district
 3-14 issues bonds payable wholly or partly from ad valorem taxes, the
 3-15 board shall provide for the annual imposition of a continuing
 3-16 direct ad valorem tax, without limit as to rate or amount, while all
 3-17 or part of the bonds are outstanding as required and in the manner
 3-18 provided by Sections 54.601 and 54.602, Water Code.

3-19 SECTION 2. The Harris County Municipal Utility District No.
 3-20 529 initially includes all the territory contained in the following
 3-21 area:

3-22 TRACT 1

3-23 BEING a 54.22 acre tract of land situated in the Joel Wheaton
 3-24 Survey, A-80, City of Houston, Harris County, Texas, being out of
 3-25 Lot 3 of Bringhurst Subdivision an unrecorded subdivision and being
 3-26 all or part of the following ten (10) tracts of land: a called
 3-27 18.4965 acre tract described and recorded under Harris County
 3-28 Clerk's File Number (H.C.C.F. No.) V502562, a called 2.9313 acre
 3-29 tract described and recorded under H.C.C.F. No. Z195460, a called
 3-30 2.9228 acre tract described and recorded under H.C.C.F. No.
 3-31 Z162927, a called 3.5932 acre tract described as Tract 1, a called
 3-32 3.000 acre tract described as Tract 2, a called 4.0403 acre tract
 3-33 described as Tract 4 all three recorded under H.C.C.F. No. Z167404,
 3-34 a called 8.211 acre tract described and recorded under H.C.C.F. No.
 3-35 Z023414, a called 3.4341 acre tract described and recorded under
 3-36 H.C.C.F. No. V374135, a called 8.2113 acre tract described and
 3-37 recorded under H.C.C.F. No. Y751625 and a called 3.4341 acre tract
 3-38 described and recorded under H.C.C.F. No. Z023415, said 54.22 acre
 3-39 tract being more particularly described by metes and bounds as
 3-40 follows;

3-41 BEGINNING at a 3/4-inch iron pipe found for the southwest
 3-42 corner of said 18.4965 acre tract and the southeast corner of a
 3-43 called 21.8525 acre tract described and recorded under H.C.C.F. No.
 3-44 20110402697 and being in the northern right-of-way line of
 3-45 Westheimer Road (120-foot wide) as shown on the plat recorded in
 3-46 Volume 331, Page 4 of the Harris County Map Records (H.C.M.R.)

3-47 THENCE, N 01° 42' 00" W, a distance of 2,092.45 feet (Called
 3-48 SOUTH 2092.35 feet per H.C.C.F. No. V502562) along the line common
 3-49 to said 18.4965 acre tract and said 21.8525 acre tract to a 3/4-inch
 3-50 iron rod found for the most southerly southwest corner of LAKES OF
 3-51 PARKWAY SEC. 17 as shown on the plat recorded at Film Code No.
 3-52 563202 of the H.C.M.R. and being the northwest corner of the herein
 3-53 described tract;

3-54 THENCE, N 87° 24' 19" E, a distance of 502.67 feet (Called S
 3-55 89°05'17" W 502.62 feet per H.C.C.F. No. V502562) along the line
 3-56 common to said 18.4965 acre tract and said LAKES OF PARKWAY SEC. 17
 3-57 and LAKES OF PARKWAY SEC. 14 as shown on the plat recorded at Film
 3-58 Code No. 540188 of the H.C.M.R. to a 1/2-inch iron pipe with cap
 3-59 stamped BROWN & GAY set for the northeast corner of said 18.4965
 3-60 acre tract and being in the west line of said called 8.2113 acre
 3-61 tract described and recorded under H.C.C.F. No. Y751625;

3-62 THENCE, N 02° 05' 46" W, a distance of 515.73 feet (Called N
 3-63 00°05'15" E per H.C.C.F. No. Y751625) along the line common to said
 3-64 8.2113 acre tract and said LAKES OF PARKWAY SEC. 14 to a 5/8-inch
 3-65 iron rod found for the southwest corner of SAN BRISAS APARTMENTS
 3-66 REPLAT NO. 1 as shown on the plat recorded at Film Code No. 571150 of
 3-67 the H.C.M.R.;

3-68 THENCE, N 87° 55' 42" E, a distance of 448.11 feet (Called S
 3-69 89°53'17" E 448.11 feet per H.C.C.F. No. Y751625) along the line

4-1 common to said 8.2113 acre tract and said SAN BRISAS APARTMENTS
4-2 REPLAT NO. 1 to a 5/8-inch iron rod found for corner and being in the
4-3 west line of said called 3.4341 acre tract described and recorded
4-4 under H.C.C.F. No. Z023415;

4-5 THENCE, N 02° 04' 17" W, a distance of 136.30 feet along the
4-6 line common to said 3.4341 acre tract and said SAN BRISAS APARTMENTS
4-7 REPLAT NO. 1 to a 5/8-inch iron rod with cap stamped EHRA
4-8 713-784-4500 found for the southwest corner of a called 1.0000 acre
4-9 tract described and recorded under H.C.C.F. No. U668014 and the
4-10 northwest corner of said 3.4341 acre tract;

4-11 THENCE, N 87° 29' 27" E, a distance of 520.39 feet (Called N
4-12 89°42'32" E 520.60 feet per H.C.C.F. No. Z023415) along the line
4-13 common to said 3.4341 acre tract and said 1.0000 acre tract to a
4-14 5/8-inch iron rod with cap stamped EHRA 713-784-4500 found for the
4-15 common eastern corners of said tracts and being in the west line of
4-16 RORICK PLACE as shown on the plat recorded at Film Code No. 468117
4-17 of the H.C.M.R.;

4-18 THENCE, S 02° 07' 56" E, a distance of 287.70 feet (Called S
4-19 00°02'40" W 287.26 feet per H.C.C.F. No. Z023415) along the line
4-20 common to said 3.4341 acre tract and said RORICK PLACE and ELDRIDGE
4-21 LAND, LLC as shown on the plat recorded at Film Code No. 456014 of
4-22 the H.C.M.R. to a 5/8-inch iron rod found for the southeast corner
4-23 of said 3.4341 acre tract and being in the north line of ELDRIDGE
4-24 APARTMENTS as shown on the plat recorded at Film Code No. 522292 of
4-25 the H.C.M.R.;

4-26 THENCE, S 87° 32' 02" W, a distance of 520.69 feet (Called S
4-27 89°42'32" W 520.93 feet per H.C.C.F. No. Z023415) along the line
4-28 common to said 3.4341 acre tract and said ELDRIDGE APARTMENTS to a
4-29 1/2-inch iron pipe with cap stamped BROWN & GAY set for an interior
4-30 ell corner of the herein described tract and being in the east line
4-31 of the afore mentioned 8.2113 acre tract;

4-32 THENCE, S 02° 04' 17" E, a distance of 573.71 feet (Called S
4-33 00°06'43" W per H.C.C.F. No. Y751625) along the line common to said
4-34 8.2113 acre tract and said ELDRIDGE APARTMENTS to a Nail with shiner
4-35 found for the northwest corner of said 3.4341 acre tract described
4-36 and recorded under H.C.C.F. No. V374135;

4-37 THENCE, N 87° 32' 02" E, a distance of 521.29 feet (Called N
4-38 89°42'32" E 521.61 feet per H.C.C.F. No. V374135) along the line
4-39 common to said 3.4341 acre tract and said ELDRIDGE APARTMENTS to a
4-40 1/2-inch iron rod found for the northeast corner of said 3.4341 acre
4-41 tract and being in the west line of Rincon Drive (60-foot wide) as
4-42 shown on the plat recorded at Film Code No. 408056 of the H.C.M.R.;

4-43 THENCE, S 02° 07' 48" E, a distance of 286.10 feet (Called S
4-44 00°02'40" W 286.70 feet per H.C.C.F. No. V374135) along the east
4-45 line of said 3.4341 acre tract and the west line of said Rincon
4-46 Drive and the west line of CONCIERGE CARE PARTIAL REPLAT as shown on
4-47 the plat recorded at Film Code No. 421008 of the H.C.M.R. to a
4-48 5/8-inch iron rod found for the northeast corner of a called 3.4341
4-49 acre tract described and recorded under H.C.C.F. No. X753041;

4-50 THENCE, S 87° 31' 32" W, a distance of 521.58 feet (Called S
4-51 89°42'32" W 521.95 feet per H.C.C.F. No. V374135) along the line
4-52 common to the two said 3.4341 acre tracts to a 1/2-inch iron pipe
4-53 with cap stamped BROWN & GAY set for the west corner common to said
4-54 3.4341 acre tracts and being in the east line of said called 8.211
4-55 acre tract described and recorded under H.C.C.F. No. Z023414;

4-56 THENCE, S 02° 04' 17" E, a distance of 579.26 feet (Called S
4-57 00°06'43" W per H.C.C.F. No. Z023414) along the line common to said
4-58 8.211 acre tract and said 3.4341 acre tract and a called 3.433 acre
4-59 tract to a 1/2-inch iron pipe with cap stamped BROWN & GAY set for
4-60 the southeast corner of said 8.211 acre tract and being in the north
4-61 line of said called 4.0403 acre tract described and recorded under
4-62 H.C.C.F. No. Z167404;

4-63 THENCE, S 04° 05' 23" E, a distance of 27.97 feet to a MAG Nail
4-64 in asphalt road found for the northwest corner of a called 3.59 acre
4-65 tract described and recorded under H.C.C.F. No. 20100549644;

4-66 THENCE, S 01° 59' 03" E, a distance of 330.00 feet (Called S
4-67 00°41'03" W 330.01 feet per H.C.C.F. No. Z167404) along the line
4-68 common to said 3.59 acre tract and said 4.0403 acre tract to a MAG
4-69 Nail found in asphalt road for the southwest corner of said 3.59

5-1 acre tract and southeast corner of said 4.0403 acre tract;

5-2 THENCE, S 87° 25' 08" W, a distance of 20.00 feet to a 5/8-inch

5-3 iron rod with cap stamped BENCHMARK ENGR. found for the northeast

5-4 corner of said 3.000 acre tract;

5-5 THENCE, S 01° 59' 03" E, a distance of 305.61 feet (Called S

5-6 00°41'03" W 305.62 feet per H.C.C.F. No. Z167404) along the east

5-7 line of said 3.000 acre tract to 1/2-inch iron pipe with cap stamped

5-8 BROWN & GAY set for the southeast corner of said 3.000 acre tract;

5-9 THENCE, N 87° 25' 08" E, a distance of 20.00 feet to a MAG Nail

5-10 found in asphalt road for the northeast corner of said 3.5932 acre

5-11 tract;

5-12 THENCE, S 01° 59' 03" E, a distance of 101.16 feet (Called S

5-13 00° 41' 03" W, per H.C.C.F. No. Z167404) along the line common to

5-14 said 3.5932 acre tract and a called 2.8470 acre tract described as

5-15 Tract III and a called 0.7462 acre tract described as Tract II, both

5-16 recorded under H.C.C.F. No. 20090486602 to a 1/2-inch iron pipe

5-17 with cap stamped BROWN & GAY set for the southeast corner of the

5-18 herein described tract;

5-19 THENCE, S 87° 27' 48" W, a distance of 659.02 feet over and

5-20 across said 3.5932 acre tract and said 2.9228 acre tract to a

5-21 1/2-inch iron pipe with cap stamped BROWN & GAY set for corner;

5-22 THENCE, S 02° 21' 27" E, a distance of 250.00 feet (Called N

5-23 00° 30' 35" E, per H.C.C.F. No. Z162927) to a 5/8-inch iron rod found

5-24 for the southwest corner of said 2.9228 acre tract and the southeast

5-25 corner of a called 2.9313 acre tract described and recorded under

5-26 H.C.C.F. No. Z195460 and being in the northern right-of-way line of

5-27 said Westheimer Road;

5-28 THENCE, S 87° 27' 48" W, a distance of 306.23 feet (Called N

5-29 89°11'42" E per H.C.C.F. No. V502562) along the northern

5-30 right-of-way line of said Westheimer Road to the POINT OF BEGINNING

5-31 and containing 54.22 acres of land.

5-32 TRACT 2

5-33 A METES AND BOUNDS description of a certain 38.83 acre tract

5-34 of land situated in the Joel Wheaton Survey, Abstract No. 80 in

5-35 Harris County, Texas; being a portion of a called 67.8 acre tract

5-36 conveyed to The Restelle Company by Instruments recorded in Clerks

5-37 File Nos G898468 and G898470, both of the Harris County Official

5-38 Public Records of Real Property; said 38.83 acre tract being more

5-39 particularly described as follows with all bearings being based on

5-40 the Texas Coordinate System, South Central Zone, NAD 83:

5-41 BEGINNING at a 5/8-inch iron rod found being the southeast

5-42 corner of Westheimer At Eldridge Center recorded in Film Code No.

5-43 388053, Harris County Map Records, also being in the north

5-44 right-of-way of Westheimer Road (based on a width of 120 feet);

5-45 THENCE, North 01°58'37" West, 3017.39 feet to a 5/8-inch iron

5-46 rod (with cap stamped "Cotton Surveying") set being in the east line

5-47 of Replat Parkway Plaza Section Two recorded in Film Code No.

5-48 355131, Harris County Map Records;

5-49 THENCE, North 88°01'23" East, 855.00 feet over and across said

5-50 67.8 acre tract to a 5/8-inch iron rod (with cap stamped "Cotton

5-51 Surveying") set being in the west line of Gentryside Townhomes

5-52 recorded in Film Code No. 515264, Harris County Map Records;

5-53 THENCE, South 01°44'06" East, 851.35 feet to a 5/8-inch iron

5-54 rod (with cap stamped "Cotton Surveying") set being the southwest

5-55 corner of Lot 8, Block 6, out of Reflections Section 1 recorded in

5-56 Volume 293, Page 102, Harris County Map Records;

5-57 THENCE, South 87°23'56" West, 399.90 feet to a 5/8-inch iron

5-58 rod (with cap stamped "Cotton Surveying") set being the northwest

5-59 corner of Lot 1, Block 6 out of said Reflections Section 1;

5-60 THENCE, South 01°39'27" East, 2157.43 feet to a 5/8-inch iron

5-61 rod (with cap stamped "Cotton Surveying") set being the southwest

5-62 corner of Reserve "A" out of said Reflections Section 1, also being

5-63 in the aforementioned north right-of-way;

5-64 THENCE, South 87°27'49" West, 439.52 feet to the POINT OF

5-65 BEGINNING, CONTAINING 38.83 acres of land in Harris County, Texas

5-66 as shown on Drawing No. 7859 (OS) A in the office of Cotton

5-67 Surveying Company in Houston, Texas.

5-68 SECTION 3. (a) The legal notice of the intention to

5-69 introduce this Act, setting forth the general substance of this

6-1 Act, has been published as provided by law, and the notice and a
6-2 copy of this Act have been furnished to all persons, agencies,
6-3 officials, or entities to which they are required to be furnished
6-4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-5 Government Code.

6-6 (b) The governor, one of the required recipients, has
6-7 submitted the notice and Act to the Texas Commission on
6-8 Environmental Quality.

6-9 (c) The Texas Commission on Environmental Quality has filed
6-10 its recommendations relating to this Act with the governor, the
6-11 lieutenant governor, and the speaker of the house of
6-12 representatives within the required time.

6-13 (d) All requirements of the constitution and laws of this
6-14 state and the rules and procedures of the legislature with respect
6-15 to the notice, introduction, and passage of this Act are fulfilled
6-16 and accomplished.

6-17 SECTION 4. (a) If this Act does not receive a two-thirds
6-18 vote of all the members elected to each house, Subchapter C, Chapter
6-19 8444, Special District Local Laws Code, as added by Section 1 of
6-20 this Act, is amended by adding Section 8444.104 to read as follows:

6-21 Sec. 8444.104. NO EMINENT DOMAIN POWER. The district may
6-22 not exercise the power of eminent domain.

6-23 (b) This section is not intended to be an expression of a
6-24 legislative interpretation of the requirements of Section 17(c),
6-25 Article I, Texas Constitution.

6-26 SECTION 5. This Act takes effect immediately if it receives
6-27 a vote of two-thirds of all the members elected to each house, as
6-28 provided by Section 39, Article III, Texas Constitution. If this
6-29 Act does not receive the vote necessary for immediate effect, this
6-30 Act takes effect September 1, 2013.

6-31

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