

By: Murphy

H.B. No. 2215

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 533; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8453 to read as follows:

CHAPTER 8453. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 533

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8453.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris County Municipal Utility District No. 533.

Sec. 8453.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8453.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1       Sec. 8453.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 8453.003  
3 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 8453.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
8 The district is created to serve a public purpose and benefit.

9       (b) The district is created to accomplish the purposes of:

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

12           (2) Section 52, Article III, Texas Constitution, that  
13 relate to the construction, acquisition, improvement, operation,  
14 or maintenance of macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16       Sec. 8453.006. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

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

23           (1) organization, existence, or validity;

24           (2) right to issue any type of bond for the purposes  
25 for which the district is created or to pay the principal of and  
26 interest on a bond;

27           (3) right to impose a tax; or

1           (4) legality or operation.

2                   SUBCHAPTER B. BOARD OF DIRECTORS

3           Sec. 8453.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 8453.052, directors serve  
6 staggered four-year terms.

7           Sec. 8453.052. TEMPORARY DIRECTORS. (a) On or after the  
8 effective date of the Act enacting this chapter, the owner or owners  
9 of a majority of the assessed value of the real property in the  
10 district may submit a petition to the commission requesting that  
11 the commission appoint as temporary directors the five persons  
12 named in the petition. The commission shall appoint as temporary  
13 directors the five persons named in the petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 8453.003; or

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

19           (c) If permanent directors have not been elected under  
20 Section 8453.003 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 8453.003; or

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

1       (d) If Subsection (c) applies, the owner or owners of a  
2 majority of the assessed value of the real property in the district  
3 may submit a petition to the commission requesting that the  
4 commission appoint as successor temporary directors the five  
5 persons named in the petition. The commission shall appoint as  
6 successor temporary directors the five persons named in the  
7 petition.

8                   SUBCHAPTER C. POWERS AND DUTIES

9       Sec. 8453.101. GENERAL POWERS AND DUTIES. The district has  
10 the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12       Sec. 8453.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
13 DUTIES. The district has the powers and duties provided by the  
14 general law of this state, including Chapters 49 and 54, Water Code,  
15 applicable to municipal utility districts created under Section 59,  
16 Article XVI, Texas Constitution.

17       Sec. 8453.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
18 52, Article III, Texas Constitution, the district may design,  
19 acquire, construct, finance, issue bonds for, improve, operate,  
20 maintain, and convey to this state, a county, or a municipality for  
21 operation and maintenance macadamized, graveled, or paved roads, or  
22 improvements, including storm drainage, in aid of those roads.

23       Sec. 8453.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
24 project must meet all applicable construction standards, zoning and  
25 subdivision requirements, and regulations of each municipality in  
26 whose corporate limits or extraterritorial jurisdiction the road  
27 project is located.

1       (b) If a road project is not located in the corporate limits  
2 or extraterritorial jurisdiction of a municipality, the road  
3 project must meet all applicable construction standards,  
4 subdivision requirements, and regulations of each county in which  
5 the road project is located.

6       (c) If the state will maintain and operate the road, the  
7 Texas Transportation Commission must approve the plans and  
8 specifications of the road project.

9       Sec. 8453.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
10 OR RESOLUTION. The district shall comply with all applicable  
11 requirements of any ordinance or resolution that is adopted under  
12 Section 54.016 or 54.0165, Water Code, and that consents to the  
13 creation of the district or to the inclusion of land in the  
14 district.

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 8453.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
17 district may issue, without an election, bonds and other  
18 obligations secured by:

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

20               (2) contract payments described by Section 8453.153.

21       (b) The district must hold an election in the manner  
22 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
23 before the district may impose an ad valorem tax or issue bonds  
24 payable from ad valorem taxes.

25       (c) The district may not issue bonds payable from ad valorem  
26 taxes to finance a road project unless the issuance is approved by a  
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 8453.152. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 8453.151, the district  
4 may impose an operation and maintenance tax on taxable property in  
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 8453.153. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8453.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24 Sec. 8453.202. TAXES FOR BONDS. At the time the district  
25 issues bonds payable wholly or partly from ad valorem taxes, the  
26 board shall provide for the annual imposition of a continuing  
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner  
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8453.203. BONDS FOR ROAD PROJECTS. At the time of  
4 issuance, the total principal amount of bonds or other obligations  
5 issued or incurred to finance road projects and payable from ad  
6 valorem taxes may not exceed one-fourth of the assessed value of the  
7 real property in the district.

8 SECTION 2. The Harris County Municipal Utility District No.  
9 533 initially includes all the territory contained in the following  
10 area:

11 BEING a 469.8048 acre tract of land situated the J.E.  
12 Cabaniss Survey, Abstract 1470 which is out of Section 70, Block 2  
13 of the H. & T. C.R.R. Company Survey, Section 57, Block 2 of the H. &  
14 T. C.R.R. Company Survey, Abstract 443, Harris County, Texas and  
15 being the remainder of a called 400 acre tract of land described in  
16 an instrument to Jesse L. Freeman filed for record under Volume  
17 1212, Page 482 of the Harris County Deed Records, the remainder of a  
18 called 328.97 acre tract of land described in instruments filed for  
19 record under Harris County Clerk's File Number (H.C.C.F. No.)  
20 U390810 and X913891, and all of a called 1.0 acre tract of land  
21 described in an instrument to Harold L. Freeman and wife, Lynell  
22 Freeman filed for record under H.C.C.F. No. J087863, said 469.8048  
23 acre tract of land being more particularly described by metes and  
24 bounds as follows:

25 BEGINNING at a railroad spike in asphalt found in the  
26 centerline of Katy-Hockley Cut-Off Road (60-foot width) and  
27 Longenbaugh Road (60-foot width) for the Northeast corner of

H.B. No. 2215

1 Section 69, Block 2 of the H. & T.C.R.R. Company Survey, Abstract  
2 No. 459 , same being the Southwest corner of said Section 57, Block  
3 2 of the H. & T.C.R.R. Company Survey, Abstract No. 443, the  
4 Northwest corner of Section 58, Block 2 of the H.& T. C. R.R.  
5 Company Survey (George Spencer Survey), Abstract No. 1368 and the  
6 Southeast corner of said J.E. Cabaniss Survey, Abstract No. 1470;

7       THENCE, S 87° 54' 21" W, a distance of 2,643.72 along and with  
8 the South line of said 400 acres, the South line of said J.E.  
9 Cabaniss Survey, Abstract No. 1470 and the North line of the  
10 Northeast 1/4 of said Section 69 to a point for corner being  
11 Northwest corner of the Northeast 1/4 of said Section 69, same being  
12 the Northeast corner of a called 158.167 acre tract of land  
13 described in an instrument filed for record under H.C.C.F. No.  
14 20110061749, the most Southerly Southwest corner of said J.E.  
15 Cabaniss Survey, Abstract No. 1470, the Southeast corner of a  
16 called 75.308 acre tract of land described in an instrument filed  
17 for record under H.C.C.F. No. T291060, the Southeast corner of the  
18 G.H. Holley Survey, Abstract 1480 and the Southwest corner of said  
19 400 acre tract;

20       THENCE, N 02° 03' 53" W, along and with the West line of said  
21 400 acre tract, at a distance of 1,322.59 feet pass the Northeast  
22 corner of said 75.308 acre tract and the Southeast corner of a  
23 called 53.142 acre tract of land described in an instrument filed  
24 for record under H.C.C.F. No. X139859, and continuing for a total  
25 distance of 1,535.40 feet to a 5/8-inch iron rod with cap stamped  
26 "JNS Engineers" found for the Southwest corner of a called 1.401  
27 acre tract of land described in an instrument to Harris County filed



1 for record under H.C.C.F. No. X290296;

2           THENCE N 87° 56' 07" E, a distance of 55.00 feet along the  
3 South line of said 1.401 acre tract to a 5/8-inch iron rod with cap  
4 stamped "JNS Engineers" found for the Southeast corner of said  
5 1.401 acre tract;

6           THENCE, N 02° 03' 53" W, a distance of 1,109.97 feet along the  
7 East line of said 1.401 acre tract to a 5/8-inch iron rod with cap  
8 stamped "JNS Engineers" found for the Northeast corner of said  
9 1.401 acre tract and being in the South line of a called 215.658  
10 acre tract of land described in an instrument to Harris County filed  
11 for record under H.C.C.F. No. W075836, same being the Northwest  
12 corner of the remainder of said 400 acre tract;

13           THENCE, N 87° 59' 43" E, along and with the South line of said  
14 215.658 acre tract and the North line of the remainder of said  
15 400-acre tract, at a distance of 2,556.81 feet pass the West  
16 right-of-way line of said Katy-Hockley Cut-Off Road (60-foot width)  
17 and continuing for a total distance of 2,586.81 feet to a point for  
18 corner in the centerline of said Katy-Hockley Cut-Off Road, same  
19 also being in the West line of said Section 57 and the West line of  
20 said 328.97 acre tract;

21           THENCE, N 02° 06' 22" W, a distance of 1,326.01 feet along and  
22 with the centerline of said Katy-Hockley Cut-Off Road, the West  
23 line of said Section 57, the West line of said 328.97 acre tract and  
24 the East line of said J.E. Cabaniss Survey to a point for the  
25 Northwest corner of said 328.97 acre tract and the most Westerly  
26 Southwest corner of a called 50.000 acre tract of land described in  
27 an instrument to Felix Jegede filed for record under H.C.C.F. No.

1 20060183947;

2           THENCE, N 89° 28' 02" E, along and with a South line of said  
3 50.000 acre tract and the North line of said 328.97 acre tract, at a  
4 distance of 30.00 feet pass a 3/4-inch iron pipe found in the East  
5 right-of-way line of said Katy-Hockley Cut-Off Road and continuing  
6 for a total distance of 2,636.64 feet to a 1/2-inch iron rod found  
7 the most Northerly Northeast corner of said 328.97 acre tract and a  
8 reentrant corner of said 50.000 acre tract;

9           THENCE, S 02° 19' 14" E, a distance of 1,320.59 feet along and  
10 with an East line of said 328.97 acre tract and a West line of said  
11 50.000 acre tract to a 1/2-inch iron rod found for a Southwest  
12 corner of said 50.000 acre tract and a reentrant corner of said  
13 328.97 acre tract;

14           THENCE, N 88° 28' 35" E, a distance of 1,271.46 feet along and  
15 with a North line of said 328.97 acre tract and a South line of said  
16 50.000 acre tract to a 2-inch iron pipe found for the Northwest  
17 corner of a called 55.557 acre tract of land described in an  
18 instrument to Poarch/Swinbank Limited Partnership filed for record  
19 under H.C.C.F. No. Z064160, same being the most Easterly Northeast  
20 corner of the herein described tract;

21           THENCE, S 02° 05' 40" E, a distance of 1,475.48 feet along and  
22 with the East line of said 328.97 acre tract and the West line of  
23 said 55.557 acre tract to a 2-inch iron pipe found for the Southwest  
24 corner of said 55.557 acre tract and the Northwest corner of a  
25 called 9.316 acre tract of land described in an instrument to Rose  
26 E. Price and David A. Price filed for record under H.C.C.F. No.  
27 X561406;

1           THENCE, S 07° 16' 57" W, along and with the West line of said  
2 9.316 acre tract, at a distance of 1,068.19 pass the North  
3 right-of-way line of said Longenbaugh Road (60-foot width) and  
4 continuing for a total distance of 1,098.60 feet to a cotton spindle  
5 found in the centerline of said Longenbaugh Road for the Southwest  
6 corner of said 9.316 acre tract, same being in the South line of  
7 said Section 57 and the North line of said Section 58;

8           THENCE, S 87° 51' 45" W, a distance of 3,732.47 feet along and  
9 with the centerline of said Longenbaugh Road, the South line of  
10 said Section 57 and the North line of said Section 58 to the POINT OF  
11 BEGINNING and containing 469.8048 acres of land.

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

19           (b) The governor, one of the required recipients, has  
20 submitted the notice and Act to the Texas Commission on  
21 Environmental Quality.

22           (c) The Texas Commission on Environmental Quality has filed  
23 its recommendations relating to this Act with the governor, the  
24 lieutenant governor, and the speaker of the house of  
25 representatives within the required time.

26           (d) All requirements of the constitution and laws of this  
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled  
2 and accomplished.

3 SECTION 4. (a) If this Act does not receive a two-thirds  
4 vote of all the members elected to each house, Subchapter C, Chapter  
5 8453, Special District Local Laws Code, as added by Section 1 of  
6 this Act, is amended by adding Section 8453.106 to read as follows:

7 Sec. 8453.106. NO EMINENT DOMAIN POWER. The district may  
8 not exercise the power of eminent domain.

9 (b) This section is not intended to be an expression of a  
10 legislative interpretation of the requirements of Section 17(c),  
11 Article I, Texas Constitution.

12 SECTION 5. 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, 2013.