

By: Fletcher

H.B. No. 3870

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 531; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or 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 8452 to read as follows:

CHAPTER 8452. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 531

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8452.001. 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. 531.

Sec. 8452.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8452.003. 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. 8452.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8452.003
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. 8452.005. 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. 8452.006. 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. 8452.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8452.052, directors serve
6 staggered four-year terms.

7 Sec. 8452.052. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) J. T. Hall;

10 (2) Paul White;

11 (3) Christopher Thomas;

12 (4) Antoinette Hanson; and

13 (5) Shane Herzog.

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

15 (1) the date permanent directors are elected under
16 Section 8452.003; 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 8452.003 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 8452.003; 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. 8452.101. 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. 8452.102. 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. 8452.103. 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. 8452.104. 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. 8452.105. 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. 8452.151. 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 8452.153.

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. 8452.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8452.151, 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. 8452.153. 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. 8452.201. 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. 8452.202. 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. 8452.203. 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
9 No. 531 initially includes all the territory contained in the
10 following area:

11 Being 264.723 acres of land located in the Jacob Duckworth
12 Survey, Abstract 227, the George Haig (A.K.A. J.P. Douglas) Survey,
13 Abstract 338, and the R.H. Barrow Survey, Abstract 1624, Harris
14 County, Texas, more particularly being a portion of the residue of
15 that certain called 75.81 acre tract conveyed to Louis Niklas and
16 Julia Rydel by an instrument of record under File Number K252127, of
17 the Official Public Records of Real Property, of said Harris
18 County, Texas (H.C.O.P.R.R.P.), all of the residue of that certain
19 called 34.507 acre tract conveyed to Barbara White by an instrument
20 of record under File Number S646489, H.C.O.P.R.R.P., a portion of
21 that certain called 44.1682 acre tract conveyed to Julia Niklas
22 Rydel by an instrument of record under File Number G737799,
23 H.C.O.P.R.R.P., a portion of that certain called 1.9926 acre tract
24 conveyed to Clayton L. Kitzmann and Janice L. Kitzmann by an
25 instrument of record under File Number J023156, H.C.O.P.R.R.P., a
26 portion of the residue of that certain called 81.99 acre tract
27 conveyed to Irene Sanders Newberry by an instrument of record under

1 File Number L075748, H.C.O.P.R.R.P., all of the residue of those
2 certain tracts called 78.36 acres (referred to as Tract 1) and 4.747
3 acres (referred to as Tract 2) conveyed to Irene Marguerite
4 Newberry and R. A. Newberry by an instrument of record under File
5 Number K252128, H.C.O.P.R.R.P., and all of that certain called
6 2.00049 acre tract conveyed to R. A. Newberry, Jr. by an instrument
7 of record under File Number G637606, H.C.O.P.R.R.P., said 264.723
8 acre tract being more particularly described by metes and bounds as
9 follows (all bearings referenced to the Texas State Plane
10 Coordinate System, South Central Zone, NAD83, 2001 adjustment);

11 BEGINNING at a 1-3/4-inch aluminum cap stamped "RODS
12 SURVEYING" found in concrete at the southerly end of a cut-back
13 corner at the intersection of the north right-of-way line of Schiel
14 Road (100 feet wide) and the west right-of-way line of Mueschke Road
15 (width varies) as described in the easement of record under File
16 Number 20090575159, H.C.O.P.R.R.P.;

17 Thence, South 87° 48' 42" West, along the north right-of-way
18 line of said Schiel Road; 1,055.30 feet to a 1-3/4-inch aluminum cap
19 stamped "RODS SURVEYING" found in concrete for corner on the west
20 line of the aforementioned 75.81 acre tract and the east line of
21 that certain called 0.517 acre tract conveyed to Curtis E. White and
22 Barbara White by an instrument of record under File Number S646490,
23 H.C.O.P.R.R.P., said point being on the common survey line of said
24 Jacob Duckworth Survey and said R. H. Barrow Survey;

25 Thence, North 03° 33' 05" West, along the common line of said
26 0.517 and 75.81 acre tracts and said common survey line, 379.99 feet
27 to a 5/8-inch iron rod found for the northeast corner of said 0.517

1 acre tract;

2 Thence, South 87° 49' 48" West, departing said common survey
3 line and along the north line of said 0.517 acre tract and that
4 certain tract conveyed to Barbara Schiel White by an instrument of
5 record under Volume 7943, Page 25, of the Deed Records of said
6 Harris County (H.C.D.R.), 351.93 feet to a 5/8-inch iron rod found
7 for the northeast corner of that certain called 2.000 acre tract
8 conveyed to Teresa G. O'Hara Marsh and Michael O'Hara Marsh by an
9 instrument of record under File Number U549558, H.C.O.P.R.R.P.;

10 Thence, South 87° 41' 17" West, along the north line of said
11 2.000 acre tract, 217.58 feet to a 5/8-inch iron rod found for the
12 common north corner of said 2.000 acre tract and that certain called
13 0.552 acre tract conveyed to Curtis E. White and Barbara White by an
14 instrument of record under File Number S646491, H.C.O.P.R.R.P.;

15 Thence, South 88° 15' 25" West, along the north line of said
16 0.552 acre tract, 68.05 feet to a 1-inch pipe found for the common
17 north corner of said 0.552 acre tract and that certain called 3.524
18 acre tract conveyed to Norman Miller Hubbard, Jr. by an instrument
19 of record under File Number W304407, H.C.O.P.R.R.P.;

20 Thence, South 87° 45' 25" West, along the north line of said
21 3.524 acre tract 392.42 feet to a 1-inch pipe found for the common
22 north corner of said 3.524 acre tract and the aforementioned 1.9926
23 acre tract;

24 Thence, South 02° 13' 01" East, along the west line of said
25 3.524 acre tract and the east line of said 1.9926 acre tract, 379.68
26 feet to a point for corner on the north right-of-way line of Schiel
27 Road (100 feet wide) as described under File Numbers 20100388058,

1 20100471263, 20100513706 and 20110361248, H.C.O.P.R.R.P.;

2 Thence, South 87° 48' 37" West, along the north right-of-way
3 line of said Schiel Road, 1,119.11 feet to a 5/8-inch iron rod found
4 for the southeast corner of that certain called 3.0560 acre tract
5 conveyed to County of Harris by an instrument of record under File
6 Number 20100471263, H.C.O.P.R.R.P.;

7 Thence, North 01° 46' 26" West, along the east line of said
8 3.0560 acre tract, 497.02 feet to a 5/8-inch iron rod with cap
9 stamped "TERRA-SURVEYING" found for corner;

10 Thence, South 87° 48' 02" West, along the north line of said
11 3.0560 acre tract, 269.85 feet to a 5/8-inch iron rod with cap
12 stamped "TERRA-SURVEYING" found for corner on the west line of the
13 aforementioned 81.99 acre tract;

14 Thence, North 02° 27' 08" West, along the west line of said
15 81.99 acre tract, at 2,596.29 feet pass a 1/2-inch iron found on the
16 south line of that certain called 60 foot wide easement of record
17 under Volume 2921, Page, 518, H.C.D.R., continuing in all a total
18 distance of 2,626.29 feet to a 5/8-inch iron rod with cap stamped
19 "EIC" found for the west corner of said 81.99 acre tract and that
20 certain called 10.158 acre tract conveyed to Jeffrey J. Gulley by an
21 instrument of record under File Number V852607, H.C.O.P.R.R.P.,
22 said point also being on the centerline of said 60 foot wide
23 easement;

24 Thence, North 87° 45' 39" East, along the north line of said
25 81.99 acre tract and the south line of said 10.158 acre tract and
26 the centerline of said 60 foot wide easement, 968.92 feet to a
27 3/4-inch iron pipe found for the common south corner of said 10.158

1 acre tract and that certain called 21.2106 acre tract conveyed to
2 Jeffrey J. Gulley by an instrument of record under File Number
3 20100506999, H.C.O.P.R.R.P.;

4 Thence, North 87° 47' 31" East, continuing along the north
5 line of said 81.99 acre tract, the centerline of said 60 foot wide
6 easement, and along the south line of said 21.2106 acre tract and
7 the north line of the aforementioned 44.1682 acre tract, 791.87
8 feet to a 1/2-inch iron pipe with a PK nail found for an angle point
9 on the north line of said 44.1682 acre tract, the southeast corner
10 of said 21.2106 acre tract and the southwest corner of the
11 aforementioned 78.36 acre tract, from which a 3/4-inch iron pipe
12 found for an angle point on the southerly line of said 60-foot wide
13 easement bears South 01° 55' 59" East, 30.00 feet;

14 Thence, North 02° 33' 10" West, along the west line of said
15 78.36 acre tract, 3,886.82 feet to a point for the southeast corner
16 of that certain called 2.00049 acre tract conveyed to R. A.
17 Newberry, Jr. by an instrument of record under File Number G637606,
18 H.C.O.P.R.R.P.;

19 Thence, South 87° 37' 50" West, along the south line of said
20 2.00049 acre tract, 319.97 feet to a point for the southwest corner
21 of said 2.00049 acre tract;

22 Thence, North 01° 57' 05" East, along the west line of said
23 2.00049 acre tract, 283.02 feet to a point for the northwest corner
24 of said 2.00049 acre tract, same being the southwest corner of that
25 certain called 3.047 acre tract conveyed to Ronald G. Wood and Glenna
26 Wood by an instrument of record under File Number P047906,
27 H.C.O.P.R.R.P.;

1 Thence, North 87° 37' 30" East, at 297.74 feet pass a 1-inch
2 pinched top pipe found for the northeast corner of said 2.00049 acre
3 tract, same being the northwest corner of that certain called 78.36
4 acre tract, continuing along the south line of said 3.047 acre tract
5 and the north line of said 78.36 acre, 691.90 feet to a 5/8-inch
6 iron rod found for the common east corner of said 3.047 and 78.36
7 acre tracts, said point being on the common survey line of the
8 aforementioned George Haig Survey and the William Settle Survey,
9 Abstract 705;

10 Thence, South 01° 45' 16" East, along said common survey line
11 and the east line of said 78.36 acre tract, 1,265.31 feet to a
12 1-inch iron pipe found for a re-entrant corner on the east line of
13 said 78.36 acre tract, same being the southwest corner of that
14 certain called 18.1828 acre tract (Tract A) conveyed to Loretta
15 Lois Froehlich Schlobohm by an instrument of record under File
16 Number W270309, H.C.O.P.R.R.P., and described in W270310,
17 H.C.O.P.R.R.P.;

18 Thence, North 87° 15' 43" East, along the south line of said
19 18.1828 acre tract and a north line of said 78.36 acre tract, 549.20
20 feet to a 1-1/4-inch iron pipe found for a northeast corner of said
21 78.36 acre tract, same being the northwest corner of that certain
22 called 3.707 acre tract (First Tract) conveyed to Lydia Louise
23 Froehlich Jordy and husband Luke M. Jordy by an instrument of record
24 under Volume 7078, Page 109, H.C.D.R.;

25 Thence, South 02° 01' 19" East, along a east line of said 78.36
26 acre tract passing at 2,602.33 feet a 1-3/4-inch iron pipe found for
27 reference, continuing in all a total distance of 2,632.00 feet to a

1 point for corner in the centerline of Little Cypress Creek;

2 Thence, along the centerline of Little Cypress Creek the
3 following five (5) courses:

- 4 1) North 87° 58' 41" East, 237.00 feet to a point for corner;
- 5 2) South 42° 44' 19" East, 159.00 feet to a point for corner;
- 6 3) South 68° 19' 19" East, 175.00 feet to a point for corner;
- 7 4) North 62° 03' 41" East, 133.50 feet to a point for corner;
- 8 5) North 70° 50' 40" East, 166.09 feet to a point for corner

9 on the westerly right-of-way line of Mueschke Road (width varies)
10 as described in the easement of record under File Number
11 20090505548, H.C.O.P.R.R.P.;

12 Thence, South 00° 53' 26" West, along said westerly
13 right-of-way line, 203.65 feet to a point for corner;

14 Thence, South 07° 27' 36" East, continuing along said westerly
15 right-of-way line, 126.48 feet to a point for corner on the
16 southerly line of the aforementioned 78.36 acre tract, same being
17 the centerline of that certain called 60 foot wide easement of
18 record under Volume 2921, Page 518, H.C.D.R. ;

19 Thence, North 87° 31' 51" West, along said southerly line and
20 along said centerline, 1,080.38 feet to a point for the northeast
21 corner of the aforementioned 34.507 acre tract, said point being on
22 the common survey line of said Jacob Duckworth Survey and said R. H.
23 Barrow Survey;

24 Thence, South 03° 32' 23" East, along the east line of said
25 34.507 acre tract and said common survey line, passing at 30.17 feet
26 a 5/8-inch iron rod found on the southerly line of said 60-foot wide
27 easement, continuing in all a distance of 1,970.98 feet to a point

1 for the southwest corner of that certain called 5.0000 acre tract
2 conveyed to Llewellyn Harkness, IV and Julie McGee Harkness by an
3 instrument of record under File Number S588883, H.C.O.P.R.R.P.;

4 Thence, South 85° 45' 57" East, along the south line of said
5 5.0000 acre tract, 722.02 feet to a 5/8-inch iron rod found for the
6 southwest corner of that certain called 1.876 acre tract of land
7 conveyed to John R. Kaleh by an instrument of record under File
8 Number T623472, H.C.O.P.R.R.P.;

9 Thence, South 86° 02' 16" East, along the south line of said
10 1.876 acre tract, 343.94 feet to a 5/8-inch iron rod with cap
11 stamped "RODS SURVEYING" found for corner on the west right-of-way
12 line of Mueschke Road (called 100 feet wide at this point) as
13 described in the easement of record under File Numbers 2010002193
14 and 20090575159, H.C.O.P.R.R.P., the beginning of a curve;

15 Thence, 58.79 feet along said west right-of-way line and
16 along the arc of a non-tangent curve to the left having a radius of
17 2,050.00 feet, a central angle of 01° 38' 35", and a chord that bears
18 South 03° 33' 24" East, 58.79 feet to a point for corner, from which
19 a found 5/8-inch iron rod with cap stamped "RODS SURVEYING" bears
20 South 10° 55' 31" East, 0.24 feet;

21 Thence, South 04° 22' 42" East, continuing along said west
22 right-of-way line, 914.05 feet to a 1-3/4-inch aluminum cap stamped
23 "RODS SURVEYING" found in concrete at the northerly end of a
24 cut-back corner on the west right-of-way line of Mueschke Road;

25 Thence, South 41° 43' 00" West, continuing along said west
26 right-of-way line, 20.80 feet to the POINT OF BEGINNING and
27 containing 264.723 acres of land.

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

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

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

15 (d) 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 are fulfilled
18 and accomplished.

19 SECTION 4. (a) If this Act does not receive a two-thirds
20 vote of all the members elected to each house, Subchapter C, Chapter
21 8452, Special District Local Laws Code, as added by Section 1 of
22 this Act, is amended by adding Section 8452.106 to read as follows:

23 Sec. 8452.106. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

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

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