

By: Smith

H.B. No. 3925

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the dissolution of the Harris County Municipal Utility
3 District No. 213; the creation of the Harris County Municipal
4 Utility District No. 213-A; the creation of the Harris County
5 Municipal Utility District No. 213-B; granting a limited power of
6 eminent domain; providing authority to issue bonds; providing
7 authority to impose assessments, fees, or taxes.

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

9 SECTION 1. On the effective date of this Act:

10 (1) the Harris County Municipal Utility District No.
11 213 is dissolved;

12 (2) the terms of the directors of the district expire;
13 and

14 (3) any assets of the district, including any tax or
15 assessment revenue, that remain after payment of the district's
16 liabilities are transferred to the Harris County Municipal Utility
17 District No. 213-A.

18 SECTION 2. Subtitle F, Title 6, Special District Local Laws
19 Code, is amended by adding Chapter 8478 to read as follows:

20 CHAPTER 8478. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 213-A

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 8478.001. DEFINITIONS. In this chapter:

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

24 (2) "Commission" means the Texas Commission on

1 Environmental Quality.

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

3 (4) "District" means the Harris County Municipal
4 Utility District No. 213-A.

5 Sec. 8478.002. NATURE OF DISTRICT. The district is a
6 municipal utility district created under Section 59, Article XVI,
7 Texas Constitution.

8 Sec. 8478.003. CONFIRMATION AND DIRECTORS' ELECTION
9 REQUIRED. The temporary directors shall hold an election to
10 confirm the creation of the district and to elect five permanent
11 directors as provided by Section 49.102, Water Code.

12 Sec. 8478.004. CONSENT OF MUNICIPALITY REQUIRED. The
13 temporary directors may not hold an election under Section 8478.003
14 until each municipality in whose corporate limits or
15 extraterritorial jurisdiction the district is located has
16 consented by ordinance or resolution to the creation of the
17 district and to the inclusion of land in the district.

18 Sec. 8478.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
19 The district is created to serve a public purpose and benefit.

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

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

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

27 Sec. 8478.006. INITIAL DISTRICT TERRITORY. (a) The

1 district is initially composed of the territory described by
2 Section 3 of the Act enacting this chapter.

3 (b) The boundaries and field notes contained in Section 3 of
4 the Act enacting this chapter form a closure. A mistake made in the
5 field notes or in copying the field notes in the legislative process
6 does not affect the district's:

7 (1) organization, existence, or validity;

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

11 (3) right to impose a tax; or

12 (4) legality or operation.

13 Sec. 8478.007. ANNEXATION BY MUNICIPALITY.

14 Notwithstanding any other law, if all of the territory of the
15 district is annexed by a municipality into the corporate limits of
16 that municipality before the date of the election under Section
17 8478.003, the district may not be dissolved and shall continue
18 until the district is dissolved under Section 43.074, Local
19 Government Code.

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 8478.051. GOVERNING BODY; TERMS. (a) The district is
22 governed by a board of five elected directors.

23 (b) Except as provided by Section 8478.052, directors serve
24 staggered four-year terms.

25 Sec. 8478.052. TEMPORARY DIRECTORS. (a) The temporary
26 board consists of:

27 (1) William K. Taylor;

1 (2) James Coursey; and

2 (3) Jacob Saour.

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

4 (1) the date permanent directors are elected under
5 Section 8478.003; or

6 (2) September 1, 2017.

7 (c) If permanent directors have not been elected under
8 Section 8478.003 and the terms of the temporary directors have
9 expired, successor temporary directors shall be appointed or
10 reappointed as provided by Subsection (d) to serve terms that
11 expire on the earlier of:

12 (1) the date permanent directors are elected under
13 Section 8478.003; or

14 (2) the fourth anniversary of the date of the
15 appointment or reappointment.

16 (d) If Subsection (c) applies, the owner or owners of a
17 majority of the assessed value of the real property in the district
18 may submit a petition to the commission requesting that the
19 commission appoint as successor temporary directors the five
20 persons named in the petition. The commission shall appoint as
21 successor temporary directors the five persons named in the
22 petition.

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8478.101. GENERAL POWERS AND DUTIES. The district has
25 the powers and duties necessary to accomplish the purposes for
26 which the district is created.

27 Sec. 8478.102. MUNICIPAL UTILITY DISTRICT POWERS AND

1 DUTIES. The district has the powers and duties provided by the
2 general law of this state, including Chapters 49 and 54, Water Code,
3 applicable to municipal utility districts created under Section 59,
4 Article XVI, Texas Constitution.

5 Sec. 8478.103. AUTHORITY FOR ROAD PROJECTS. Under Section
6 52, Article III, Texas Constitution, the district may design,
7 acquire, construct, finance, issue bonds for, improve, operate,
8 maintain, and convey to this state, a county, or a municipality for
9 operation and maintenance macadamized, graveled, or paved roads, or
10 improvements, including storm drainage, in aid of those roads.

11 Sec. 8478.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
12 project must meet all applicable construction standards, zoning and
13 subdivision requirements, and regulations of each municipality in
14 whose corporate limits or extraterritorial jurisdiction the road
15 project is located.

16 (b) If a road project is not located in the corporate limits
17 or extraterritorial jurisdiction of a municipality, the road
18 project must meet all applicable construction standards,
19 subdivision requirements, and regulations of each county in which
20 the road project is located.

21 (c) If the state will maintain and operate the road, the
22 Texas Transportation Commission must approve the plans and
23 specifications of the road project.

24 Sec. 8478.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
25 OR RESOLUTION. The district shall comply with all applicable
26 requirements of any ordinance or resolution that is adopted under
27 Section 54.016 or 54.0165, Water Code, and that consents to the

1 creation of the district or to the inclusion of land in the
2 district.

3 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

4 Sec. 8478.151. DIVISION OF DISTRICT; PREREQUISITES. The
5 district may be divided into two or more new districts only if the
6 district:

7 (1) has no outstanding bonded debt; and

8 (2) is not imposing ad valorem taxes.

9 Sec. 8478.152. LAW APPLICABLE TO NEW DISTRICT. This
10 chapter applies to any new district created by division of the
11 district, and a new district has all the powers and duties of the
12 district.

13 Sec. 8478.153. LIMITATION ON AREA OF NEW DISTRICT. A new
14 district created by the division of the district may not, at the
15 time the new district is created, contain any land outside the area
16 described by Section 3 of the Act enacting this chapter.

17 Sec. 8478.154. DIVISION PROCEDURES. (a) The board, on its
18 own motion or on receipt of a petition signed by the owner or owners
19 of a majority of the assessed value of the real property in the
20 district, may adopt an order dividing the district.

21 (b) The board may adopt an order dividing the district
22 before or after the date the board holds an election under Section
23 8478.003 to confirm the district's creation.

24 (c) An order dividing the district must:

25 (1) name each new district;

26 (2) include the metes and bounds description of the
27 territory of each new district;

1 (3) appoint temporary directors for each new district;
2 and
3 (4) provide for the division of assets and liabilities
4 between the new districts.

5 (d) On or before the 30th day after the date of adoption of
6 an order dividing the district, the district shall file the order
7 with the commission and record the order in the real property
8 records of each county in which the district is located.

9 Sec. 8478.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
10 A new district created by the division of the district shall hold a
11 confirmation and directors' election as required by Section
12 8478.003.

13 (b) If the creation of the new district is confirmed, the
14 new district shall provide the election date and results to the
15 commission.

16 Sec. 8478.156. TAX OR BOND ELECTION. Before a new district
17 created by the division of the district may impose a maintenance tax
18 or issue bonds payable wholly or partly from ad valorem taxes, the
19 new district must hold an election as required by this chapter to
20 obtain voter approval.

21 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

22 Sec. 8478.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The
23 district may issue, without an election, bonds and other
24 obligations secured by:

- 25 (1) revenue other than ad valorem taxes; or
26 (2) contract payments described by Section 8478.203.

27 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2 before the district may impose an ad valorem tax or issue bonds
3 payable from ad valorem taxes.

4 (c) The district may not issue bonds payable from ad valorem
5 taxes to finance a road project unless the issuance is approved by a
6 vote of a two-thirds majority of the district voters voting at an
7 election held for that purpose.

8 Sec. 8478.202. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized at an election held under Section 8478.201, the district
10 may impose an operation and maintenance tax on taxable property in
11 the district in accordance with Section 49.107, Water Code.

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

14 Sec. 8478.203. CONTRACT TAXES. (a) In accordance with
15 Section 49.108, Water Code, the district may impose a tax other than
16 an operation and maintenance tax and use the revenue derived from
17 the tax to make payments under a contract after the provisions of
18 the contract have been approved by a majority of the district voters
19 voting at an election held for that purpose.

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

23 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

24 Sec. 8478.251. AUTHORITY TO ISSUE BONDS AND OTHER
25 OBLIGATIONS. The district may issue bonds or other obligations
26 payable wholly or partly from ad valorem taxes, impact fees,
27 revenue, contract payments, grants, or other district money, or any

1 combination of those sources, to pay for any authorized district
2 purpose.

3 Sec. 8478.252. TAXES FOR BONDS. At the time the district
4 issues bonds payable wholly or partly from ad valorem taxes, the
5 board shall provide for the annual imposition of a continuing
6 direct ad valorem tax, without limit as to rate or amount, while all
7 or part of the bonds are outstanding.

8 Sec. 8478.253. BONDS FOR ROAD PROJECTS. At the time of
9 issuance, the total principal amount of bonds or other obligations
10 issued or incurred to finance road projects and payable from ad
11 valorem taxes may not exceed one-fourth of the assessed value of the
12 real property in the district.

13 SECTION 3. The Harris County Municipal Utility District
14 No. 213-A initially includes all the territory contained in the
15 following area:

16 BEING A TRACT OF LAND CONTAINING 571.898 ACRES, MORE OR LESS,
17 SITUATED IN THE TALCOT PATCHING SURVEY, ABSTRACT NO. 620, HARRIS
18 COUNTY, TEXAS, CONSISTING OF THAT CERTAIN 697.0651-ACRE TRACT
19 DESCRIBED BY METES AND BOUNDS BELOW, SAVE AND EXCEPT THAT CERTAIN
20 111.307-ACRE TRACT ("SAVE AND EXCEPT TRACT 1") DESCRIBED BY METES
21 AND BOUNDS BELOW, AND SAVE AND EXCEPT THAT CERTAIN 13.860-ACRE
22 TRACT ("SAVE AND EXCEPT TRACT 2") DESCRIBED BY METES AND BOUNDS
23 BELOW:

24 THE 697.0651-ACRE TRACT:

25 BEGINNING at the intersection of the westerly right-of-way line of
26 Garth Road (80-foot R.O.W.) and northerly right -of-way line of
27 Wallisville Road (60-foot R.O.W.);

1 THENCE, South 80°13'00" West, along said northerly line, a distance
2 of 1641.66 feet to a point for corner;
3 THENCE, North 09°47'00" West, a distance of 500.00 feet to a point
4 for corner;
5 THENCE, South 80°13'00" West, a distance of 473.58 feet to a point
6 for corner;
7 THENCE, South 23°42'00" East, a distance of 515.04 feet to a point
8 for corner in the aforementioned northerly line of Wallisville
9 Road;
10 THENCE, North 89°32'55" West, along said northerly line, a distance
11 of 2070.91 feet to a point for corner at the intersection of said
12 northerly line and the easterly line of Haney Road (80-foot
13 R.O.W.);
14 THENCE, North 09°27' 55" West, along said easterly line a distance
15 of 6843.50 feet to a point of curvature;
16 THENCE, in a northwesterly direction, along said easterly line,
17 following a curve to the left with a central angle of 29°33'35", a
18 radius distance of 919.82 feet, a long chord bearing North 24°14'43"
19 West, 469.30 feet, and a total arc length of 474.55 feet to a point
20 for corner;
21 THENCE, North 81°03'40" East, a distance of 4420.01 feet to a point
22 for corner in the aforementioned westerly line of Garth Road;
23 THENCE, South 07°26' 25" East, along said westerly line a distance
24 of 4640.76 feet to a point for corner;
25 THENCE, South 82°33'35" West, a distance of 1002.24 feet to a point
26 for corner;
27 THENCE, South 04°15'35" West, a distance of 700.00 feet to a point

1 for corner;
2 THENCE, South 85°44'25" East, a distance of 1168.47 feet to a point
3 for corner in the aforementioned westerly line of Garth Road;
4 THENCE, South 07°26'25" East, along said westerly line, a distance
5 of 2043.92 feet to the POINT OF BEGINNING, and CONTAINING 697.0651
6 acres (30,364,155 sq. ft.) of land in Harris County, Texas.
7 SAVE AND EXCEPT TRACT 1:
8 Being all of the 111.307-acre tract described in the deed to Compass
9 Bank recorded under Harris County Clerk's File Number 20110005202,
10 being more particularly described by metes and bounds as follows
11 (all bearings are based on the record bearings of the called 717.279
12 acres as described in the deed to Garth-Wallisville, Limited,
13 recorded under Harris County Clerk's File Number D892853):
14 COMMENCING at a 1-inch iron pipe found in the west right-of-way line
15 of Garth Road (width varies), recorded under Harris County Clerk's
16 File Numbers D838008, W485307 and X600931 and in Volume 858, Page
17 333 of the Harris County Deed Records, marking the southeast corner
18 of the called 89.1 acres conveyed to George Hamman in Volume 1054,
19 Page 259 of the Harris County Deed Records, common with the
20 northeast corner of said called 717.279 acre tract and the
21 northeast corner of the called 25,000 square feet tract conveyed to
22 Charles Kipple, Trustee recorded under Harris County Clerk's File
23 Number H510278;
24 THENCE, South 07°26'25" East, along said west right-of-way line and
25 said Garth Road, at a distance of 100.00 feet, pass the southeast
26 corner of said called 25,000 square feet tract, at a distance of
27 2,035.56 feet, pass a 5/8-inch iron rod with plastic cap stamped

1 "Terra Surveying" set marking the northeast corner of the called
2 36.93 acre tract, conveyed to Costal Industrial Water Authority
3 recorded under Harris County Clerk's File Number D838008, at a
4 distance of 2,364.83 feet, pass a 5/8-inch iron rod found marking
5 the southeast corner of said called 36.93 acre tract, at a distance
6 of 4,640.76 feet pass the northeast corner of the called 5.0000 acre
7 tract, conveyed to Goose Creek Independent School District,
8 recorded under Harris County Clerk's File Number G873953, at a
9 distance of 4,853.40 feet, pass the southeast corner of said called
10 5.0000 acre tract common with the northeast corner of a called
11 15.0000 acre tract conveyed to Goose Creek Independent School
12 District, recorded under Harris County Clerk's File Number G812757,
13 at a distance of 5,563.16 feet pass the southeast corner of said
14 called 15.0000 acre tract, in all a total distance of 5,685.71 feet
15 to an angle corner in said west right-of-way line;
16 THENCE, North 85°44'25" West, continuing said west right-of-way
17 line, a distance of 10.27 feet, to an angle corner in said west
18 right-of-way line;
19 THENCE, South 07°26'25" East, continuing along said west
20 right-of-way line, a distance of 25.02 feet to 5/8-inch iron rod
21 with plastic cap stamped "Terra Surveying" set marking the
22 northeast corner and the POINT OF BEGINNING of the herein described
23 tract;
24 THENCE, South 07°26'25" East, continuing along said west
25 right-of-way line, a distance of 1,870.53 feet, to a 5/8-inch iron
26 rod with plastic cap stamped "Terra Surveying" set marking the
27 north end of the northwest right-of-way line cutback line at the

1 intersection of said Garth Road and Wallisville Road (width
2 varies), as described in the deeds recorded under Harris County
3 Clerk's File Numbers W485307, X715895 and X600931 and in Volume
4 311, Page 3 of the Harris County Map Records;

5 THENCE, South 36°32'16" West, along said northwest right-of-way
6 cutback line, a distance of 21.59 feet, to a 5/8-inch iron rod with
7 plastic cap stamped "Terra Surveying" set marking the south end of
8 said right-of-way cutback line;

9 THENCE, South 80°30'56" West, along the north right-of-way line of
10 said Wallisville Road, a distance of 772.43 feet to a 5/8-inch iron
11 rod with plastic cap stamped "Terra Surveying" set marking an angle
12 corner of the herein described tract;

13 THENCE, South 07°18'28" East, continuing along the said north
14 right-of-way line, a distance of 18.57 feet to a 5/8-inch iron rod
15 with plastic cap stamped "Terra Surveying" set marking an angle
16 corner of the herein described tract;

17 THENCE, South 80°22'16" West, continuing along said north
18 right-of-way line, a distance of 844.01 feet, to an "X" in concrete
19 found marking the southeast corner of a called 4.727 acre tract
20 conveyed to Houston Lighting & Power Company in Volume 3018, Page 26
21 of the Harris County Deed Records, common with an angle corner of
22 the herein described tract;

23 THENCE, North 09°36'02" West, along the east line of said called
24 4.727 acre tract, a distance of 498.68 feet, to a 5/8-inch iron rod
25 found marking the northeast corner of said called 4.727 acre tract
26 common with an interior corner of the herein described tract;

27 THENCE, South 80°23'58" West, along the north line of said called

1 4.727 acre tract, a distance of 473.58 feet, to a 5/8-inch rod found
2 in the east line of a the 150-foot wide Houston Lighting & Power
3 Company easement recorded in Volume 3021, Page 30 of the Harris
4 County Deed Records, common with the east line of the 22-foot wide
5 Houston Lighting & Power Company easement recorded in Volume 2809,
6 Page 645 of the Harris County Deed Records, marking the northwest
7 corner of said called 4.727 acre tract common with an angle corner
8 of the herein described tract;

9 THENCE, North 23°29'12" West, along the east line of said 22-foot
10 wide Houston Lighting and Power easement common with the east line
11 of a said 150-foot Houston Lighting and Power easement, a distance
12 of 1,966.90 feet to a 5/8-inch iron rod with plastic cap stamped
13 "Terra Surveying" set in the south line of the 20-foot wide Seagull
14 Petrochemical Corporation pipeline easement recorded under Harris
15 County Clerk's File Numbers M373402 and M645320 marking the
16 northwest corner of the herein described tract;

17 THENCE, North 66°30'50" East, along the south line of said 20-foot
18 wide Seagull Petrochemical Corporation pipeline easement, a
19 distance of 26.94 feet, to a 5/8-inch iron rod with plastic cap
20 stamped "Terra Surveying" set marking an angle corner of the herein
21 described tract;

22 THENCE, North 79°53'08" East, continuing along said south line, a
23 distance of 505.26 feet, to a 5/8-inch iron rod with plastic cap
24 stamped "Terra Surveying" set marking an angle corner of the herein
25 described tract;

26 THENCE, South 85°44'33" East, continuing along said south line, a
27 distance of 2,147.85 feet, to a 5/8-inch iron rod with plastic cap

1 stamped "Terra Surveying" set marking an angle corner of the herein
2 described tract;

3 THENCE, North 85°52'33" East, continuing along said south line, a
4 distance of 32.31 feet to the POINT OF BEGINNING and containing
5 111.307 acres (4,848,534 square feet) of land.

6 SAVE AND EXCEPT TRACT 2:

7 Being all of the 13.860-acre tract described in the deed to Compass
8 Bank recorded under Harris County Clerk's File Number 20110005202
9 and being more particularly described by metes and bounds as
10 follows (all bearings are based on the record bearings of the called
11 717.279 acres as described in the deed to Garth-Wallisville,
12 Limited, recorded under Harris County Clerk's File Number D892853):
13 COMMENCING at a 5/8-inch iron rod with plastic cap stamped "TERRA
14 SURVEYING" set marking the north end of the northwest right-of-way
15 line cutback line at the intersection of Garth Road (width varies),
16 recorded under Harris County Clerk's File Numbers D838008, W485307
17 and X600931 and in Volume 858, Page 333 of the Harris County Deed
18 Records and Wallisville Road (width varies), as described in the
19 deeds recorded under Harris County Clerk's File Numbers W485307,
20 X715895 and X600931 and in Volume 311, Page 3 of the Harris County
21 Map Records;

22 THENCE, South 36°32'16" West, along said northwest right-of-way
23 cutback line, a distance of 21.59 feet, to a 5/8-inch iron rod with
24 plastic cap stamped "Terra Surveying" set marking the south end of
25 said right-of-way cutback line;

26 THENCE, South 80°30'56" West, along the north right-of-way line of
27 said Wallisville Road, a distance of 772.43 feet to a 5/8-inch iron

1 rod with plastic cap stamped "Terra Surveying" set marking an angle
2 corner of the herein described tract;
3 THENCE, South 07°18'28" East, continuing along the said north
4 right-of-way line, a distance of 18.57 feet to a 5/8-inch iron rod
5 with plastic cap stamped "Terra Surveying" set marking an angle
6 corner of the herein described tract;
7 THENCE, South 80°22'16" West, continuing along said north
8 right-of-way line, a distance of 1,199.32 feet, to a 5/8-inch iron
9 rod with plastic cap stamped "TERRA SURVEYING" set marking an angle
10 corner in said north right-of-way line;
11 THENCE, North 89°32'55" West, continuing along said north
12 right-of-way line, a distance of 158.75 feet to the intersection of
13 said north right-of-way line and the west line of the 150-foot wide
14 Houston Lighting & Power Company easement recorded in Volume 3021,
15 Page 30 of the Harris County Deed Records;
16 THENCE, North 23°29'10" West, along said west line, a distance of
17 403.68 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA
18 SURVEYING" set marking the intersection of said west line and the
19 north line of the 50-foot wide Humble Oil and Refining Company
20 easement recorded in Volume 5296, Page 354, of the Harris County
21 Deed Records marking the south corner and POINT OF BEGINNING of the
22 herein described tract;
23 THENCE, North 57°51'55" West, along said north line, a distance of
24 1,342.79 feet to a 5/8-inch iron rod with plastic cap stamped "S & V
25 SURVEYING" found marking the west corner of the aforesaid 13.860
26 acre tract common with the west corner of the herein described
27 tract;

1 THENCE, North 51°01'12" East, along a northwesterly line of said
2 13.860 acre tract, a distance of 651.92 feet to a 5/8-inch iron rod
3 with plastic cap stamped "S & V SURVEYING" found marking an angle
4 corner of said 13.860 acre tract common with an angle corner of the
5 herein described tract;

6 THENCE, North 23°29'12" West, along a westerly line of said 13.860
7 acre tract, a distance of 832.92 feet to a 5/8-inch iron rod with
8 plastic cap stamped "S & V SURVEYING" found in the south line of the
9 called 11.46 acre San Jacinto River Authority easement marking the
10 northwest corner of said 13.860 acre tract common with the
11 northwest corner of the herein described tract;

12 THENCE, North 79°53'28" East, along said south line, a distance of
13 133.63 feet to a 5/8-inch iron rod with plastic cap stamped "S & V
14 SURVEYING" found marking the northeast corner of said 13.860 acre
15 tract common with the intersection of said south line and the
16 aforesaid west line of the 150-foot wide Houston Lighting & Power
17 Company easement and the northeast corner of the herein described
18 tract;

19 THENCE, South 23°29'10" East, along said west line, a distance of
20 2,084.38 feet to the POINT OF BEGINNING and containing 13.860 acres
21 (603,742 square feet) of land.

22 SECTION 4. Subtitle F, Title 6, Special District Local Laws
23 Code, is amended by adding Chapter 8479 to read as follows:

24 CHAPTER 8479. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 213-B

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 8479.001. DEFINITIONS. In this chapter:

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

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

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

4 (4) "District" means the Harris County Municipal
5 Utility District No. 213-B.

6 Sec. 8479.002. NATURE OF DISTRICT. The district is a
7 municipal utility district created under Section 59, Article XVI,
8 Texas Constitution.

9 Sec. 8479.003. CONFIRMATION AND DIRECTORS' ELECTION
10 REQUIRED. The temporary directors shall hold an election to
11 confirm the creation of the district and to elect five permanent
12 directors as provided by Section 49.102, Water Code.

13 Sec. 8479.004. CONSENT OF MUNICIPALITY REQUIRED. The
14 temporary directors may not hold an election under Section 8479.003
15 until each municipality in whose corporate limits or
16 extraterritorial jurisdiction the district is located has
17 consented by ordinance or resolution to the creation of the
18 district and to the inclusion of land in the district.

19 Sec. 8479.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
20 The district is created to serve a public purpose and benefit.

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

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

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

1 Sec. 8479.006. INITIAL DISTRICT TERRITORY. (a) The
2 district is initially composed of the territory described by
3 Section 5 of the Act enacting this chapter.

4 (b) The boundaries and field notes contained in Section 5 of
5 the Act enacting this chapter form a closure. A mistake made in the
6 field notes or in copying the field notes in the legislative process
7 does not affect the district's:

8 (1) organization, existence, or validity;

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

12 (3) right to impose a tax; or

13 (4) legality or operation.

14 Sec. 8479.007. ANNEXATION BY MUNICIPALITY.
15 Notwithstanding any other law, if all of the territory of the
16 district is annexed by a municipality into the corporate limits of
17 that municipality before the date of the election under Section
18 8479.003, the district may not be dissolved and shall continue
19 until the district is dissolved under Section 43.074, Local
20 Government Code.

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 8479.051. GOVERNING BODY; TERMS. (a) The district is
23 governed by a board of five elected directors.

24 (b) Except as provided by Section 8479.052, directors serve
25 staggered four-year terms.

26 Sec. 8479.052. TEMPORARY DIRECTORS. (a) On or after
27 September 1, 2013, the owner or owners of a majority of the assessed

1 value of the real property in the district may submit a petition to
2 the commission requesting that the commission appoint as temporary
3 directors the five persons named in the petition. The commission
4 shall appoint as temporary directors the five persons named in the
5 petition.

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

7 (1) the date permanent directors are elected under
8 Section 8479.003; or

9 (2) September 1, 2017.

10 (c) If permanent directors have not been elected under
11 Section 8479.003 and the terms of the temporary directors have
12 expired, successor temporary directors shall be appointed or
13 reappointed as provided by Subsection (d) to serve terms that
14 expire on the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8479.003; or

17 (2) the fourth anniversary of the date of the
18 appointment or reappointment.

19 (d) If Subsection (c) applies, the owner or owners of a
20 majority of the assessed value of the real property in the district
21 may submit a petition to the commission requesting that the
22 commission appoint as successor temporary directors the five
23 persons named in the petition. The commission shall appoint as
24 successor temporary directors the five persons named in the
25 petition.

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 8479.101. GENERAL POWERS AND DUTIES. The district has

1 the powers and duties necessary to accomplish the purposes for
2 which the district is created.

3 Sec. 8479.102. MUNICIPAL UTILITY DISTRICT POWERS AND
4 DUTIES. The district has the powers and duties provided by the
5 general law of this state, including Chapters 49 and 54, Water Code,
6 applicable to municipal utility districts created under Section 59,
7 Article XVI, Texas Constitution.

8 Sec. 8479.103. AUTHORITY FOR ROAD PROJECTS. Under Section
9 52, Article III, Texas Constitution, the district may design,
10 acquire, construct, finance, issue bonds for, improve, operate,
11 maintain, and convey to this state, a county, or a municipality for
12 operation and maintenance macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 8479.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
15 project must meet all applicable construction standards, zoning and
16 subdivision requirements, and regulations of each municipality in
17 whose corporate limits or extraterritorial jurisdiction the road
18 project is located.

19 (b) If a road project is not located in the corporate limits
20 or extraterritorial jurisdiction of a municipality, the road
21 project must meet all applicable construction standards,
22 subdivision requirements, and regulations of each county in which
23 the road project is located.

24 (c) If the state will maintain and operate the road, the
25 Texas Transportation Commission must approve the plans and
26 specifications of the road project.

27 Sec. 8479.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

1 OR RESOLUTION. The district shall comply with all applicable
2 requirements of any ordinance or resolution that is adopted under
3 Section 54.016 or 54.0165, Water Code, and that consents to the
4 creation of the district or to the inclusion of land in the
5 district.

6 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

7 Sec. 8479.151. DIVISION OF DISTRICT; PREREQUISITES. The
8 district may be divided into two or more new districts only if the
9 district:

10 (1) has no outstanding bonded debt; and

11 (2) is not imposing ad valorem taxes.

12 Sec. 8479.152. LAW APPLICABLE TO NEW DISTRICT. This
13 chapter applies to any new district created by division of the
14 district, and a new district has all the powers and duties of the
15 district.

16 Sec. 8479.153. LIMITATION ON AREA OF NEW DISTRICT. A new
17 district created by the division of the district may not, at the
18 time the new district is created, contain any land outside the area
19 described by Section 5 of the Act enacting this chapter.

20 Sec. 8479.154. DIVISION PROCEDURES. (a) The board, on its
21 own motion or on receipt of a petition signed by the owner or owners
22 of a majority of the assessed value of the real property in the
23 district, may adopt an order dividing the district.

24 (b) The board may adopt an order dividing the district
25 before or after the date the board holds an election under Section
26 8479.003 to confirm the district's creation.

27 (c) An order dividing the district must:

- 1 (1) name each new district;
2 (2) include the metes and bounds description of the
3 territory of each new district;
4 (3) appoint temporary directors for each new district;
5 and
6 (4) provide for the division of assets and liabilities
7 between the new districts.

8 (d) On or before the 30th day after the date of adoption of
9 an order dividing the district, the district shall file the order
10 with the commission and record the order in the real property
11 records of each county in which the district is located.

12 Sec. 8479.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
13 A new district created by the division of the district shall hold a
14 confirmation and directors' election as required by Section
15 8479.003.

16 (b) If the creation of the new district is confirmed, the
17 new district shall provide the election date and results to the
18 commission.

19 Sec. 8479.156. TAX OR BOND ELECTION. Before a new district
20 created by the division of the district may impose a maintenance tax
21 or issue bonds payable wholly or partly from ad valorem taxes, the
22 new district must hold an election as required by this chapter to
23 obtain voter approval.

24 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

25 Sec. 8479.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The
26 district may issue, without an election, bonds and other
27 obligations secured by:

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

2 (2) contract payments described by Section 8479.203.

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

7 (c) The district may not issue bonds payable from ad valorem
8 taxes to finance a road project unless the issuance is approved by a
9 vote of a two-thirds majority of the district voters voting at an
10 election held for that purpose.

11 Sec. 8479.202. OPERATION AND MAINTENANCE TAX. (a) If
12 authorized at an election held under Section 8479.201, the district
13 may impose an operation and maintenance tax on taxable property in
14 the district in accordance with Section 49.107, Water Code.

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

17 Sec. 8479.203. CONTRACT TAXES. (a) In accordance with
18 Section 49.108, Water Code, the district may impose a tax other than
19 an operation and maintenance tax and use the revenue derived from
20 the tax to make payments under a contract after the provisions of
21 the contract have been approved by a majority of the district voters
22 voting at an election held for that purpose.

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

26 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

27 Sec. 8479.251. AUTHORITY TO ISSUE BONDS AND OTHER

1 OBLIGATIONS. The district may issue bonds or other obligations
2 payable wholly or partly from ad valorem taxes, impact fees,
3 revenue, contract payments, grants, or other district money, or any
4 combination of those sources, to pay for any authorized district
5 purpose.

6 Sec. 8479.252. TAXES FOR BONDS. At the time the district
7 issues bonds payable wholly or partly from ad valorem taxes, the
8 board shall provide for the annual imposition of a continuing
9 direct ad valorem tax, without limit as to rate or amount, while all
10 or part of the bonds are outstanding.

11 Sec. 8479.253. BONDS FOR ROAD PROJECTS. At the time of
12 issuance, the total principal amount of bonds or other obligations
13 issued or incurred to finance road projects and payable from ad
14 valorem taxes may not exceed one-fourth of the assessed value of the
15 real property in the district.

16 SECTION 5. The Harris County Municipal Utility District
17 No. 213-B initially includes all the territory contained in the
18 following area:

19 Tract 1 and Tract 2 collectively containing 125.167 acres
20 (5,452,276 square feet) of land situated in the Talcott Patching
21 Survey, Abstract Number 620, Harris County, Texas, and being all of
22 the 111.307 acre tract and all of the 13.860 acre tract described in
23 the deed to Compass Bank, recorded under Harris County Clerk's File
24 Number 20110005202; said 125.167 acres being more particularly
25 described in two tracts by metes and bounds as follows (all bearings
26 are based on the record bearings of the called 717.279 acres as
27 described in the deed to Garth-Wallisville, Limited, recorded under

1 Harris County Clerk's File Number D892853):
2 Tract 1:
3 COMMENCING at a 1-inch iron pipe found in the west right-of-way line
4 of Garth Road (width varies), recorded under Harris County Clerk's
5 File Numbers D838008, W485307 and X600931 and in Volume 858, Page
6 333 of the Harris County Deed Records, marking the southeast corner
7 of the called 89.1 acres conveyed to George Hamman in Volume 1054,
8 Page 259 of the Harris County Deed Records, common with the
9 northeast corner of said called 717.279 acre tract and the
10 northeast corner of the called 25,000 square feet tract conveyed to
11 Charles Kipple, Trustee recorded under Harris County Clerk's File
12 Number H510278;
13 THENCE, South 07°26'25" East, along said west right-of-way line and
14 said Garth Road, at a distance of 100.00 feet, pass the southeast
15 corner of said called 25,000 square feet tract, at a distance of
16 2,035.56 feet, pass a 5/8-inch iron rod with plastic cap stamped
17 "Terra Surveying" set marking the northeast corner of the called
18 36.93 acre tract, conveyed to Costal Industrial Water Authority
19 recorded under Harris County Clerk's File Number D838008, at a
20 distance of 2,364.83 feet, pass a 5/8-inch iron rod found marking
21 the southeast corner of said called 36.93 acre tract, at a distance
22 of 4,640.76 feet pass the northeast corner of the called 5.0000 acre
23 tract, conveyed to Goose Creek Independent School District,
24 recorded under Harris County Clerk's File Number G873953, at a
25 distance of 4,853.40 feet, pass the southeast corner of said called
26 5.0000 acre tract common with the northeast corner of a called
27 15.0000 acre tract conveyed to Goose Creek Independent School

1 District, recorded under Harris County Clerk's File Number G812757,
2 at a distance of 5,563.16 feet pass the southeast corner of said
3 called 15.0000 acre tract, in all a total distance of 5,685.71 feet
4 to an angle corner in said west right-of-way line;

5 THENCE, North 85°44'25" West, continuing said west right-of-way
6 line, a distance of 10.27 feet, to an angle corner in said west
7 right-of-way line;

8 THENCE, South 07°26'25" East, continuing along said west
9 right-of-way line, a distance of 25.02 feet to 5/8-inch iron rod
10 with plastic cap stamped "Terra Surveying" set marking the
11 northeast corner and the POINT OF BEGINNING of the herein described
12 tract;

13 THENCE, South 07°26'25" East, continuing along said west
14 right-of-way line, a distance of 1,870.53 feet, to a 5/8-inch iron
15 rod with plastic cap stamped "Terra Surveying" set marking the
16 north end of the northwest right-of-way line cutback line at the
17 intersection of said Garth Road and Wallisville Road (width
18 varies), as described in the deeds recorded under Harris County
19 Clerk's File Numbers W485307, X715895 and X600931 and in Volume
20 311, Page 3 of the Harris County Map Records;

21 THENCE, South 36°32'16" West, along said northwest right-of-way
22 cutback line, a distance of 21.59 feet, to a 5/8-inch iron rod with
23 plastic cap stamped "Terra Surveying" set marking the south end of
24 said right-of-way cutback line;

25 THENCE, South 80°30'56" West, along the north right-of-way line of
26 said Wallisville Road, a distance of 772.43 feet to a 5/8-inch iron
27 rod with plastic cap stamped "Terra Surveying" set marking an angle

1 corner of the herein described tract;
2 THENCE, South 07°18'28" East, continuing along the said north
3 right-of-way line, a distance of 18.57 feet to a 5/8-inch iron rod
4 with plastic cap stamped "Terra Surveying" set marking an angle
5 corner of the herein described tract;
6 THENCE, South 80°22'16" West, continuing along said north
7 right-of-way line, a distance of 844.01 feet, to an "X" in concrete
8 found marking the southeast corner of a called 4.727 acre tract
9 conveyed to Houston Lighting & Power Company in Volume 3018, Page 26
10 of the Harris County Deed Records, common with an angle corner of
11 the herein described tract;
12 THENCE, North 09°36'02" West, along the east line of said called
13 4.727 acre tract, a distance of 498.68 feet, to a 5/8-inch iron rod
14 found marking the northeast corner of said called 4.727 acre tract
15 common with an interior corner of the herein described tract;
16 THENCE, South 80°23'58" West, along the north line of said called
17 4.727 acre tract, a distance of 473.58 feet, to a 5/8-inch rod found
18 in the east line of a the 150-foot wide Houston Lighting & Power
19 Company easement recorded in Volume 3021, Page 30 of the Harris
20 County Deed Records, common with the east line of the 22-foot wide
21 Houston Lighting & Power Company easement recorded in Volume 2809,
22 Page 645 of the Harris County Deed Records, marking the northwest
23 corner of said called 4.727 acre tract common with an angle corner
24 of the herein described tract;
25 THENCE, North 23°29'12" West, along the east line of said 22-foot
26 wide Houston Lighting and Power easement common with the east line
27 of a said 150-foot Houston Lighting and Power easement, a distance

1 of 1,966.90 feet to a 5/8-inch iron rod with plastic cap stamped
2 "Terra Surveying" set in the south line of the 20-foot wide Seagull
3 Petrochemical Corporation pipeline easement recorded under Harris
4 County Clerk's File Numbers M373402 and M645320 marking the
5 northwest corner of the herein described tract;

6 THENCE, North 66°30'50" East, along the south line of said 20-foot
7 wide Seagull Petrochemical Corporation pipeline easement, a
8 distance of 26.94 feet, to a 5/8-inch iron rod with plastic cap
9 stamped "Terra Surveying" set marking an angle corner of the herein
10 described tract;

11 THENCE, North 79°53'08" East, continuing along said south line, a
12 distance of 505.26 feet, to a 5/8-inch iron rod with plastic cap
13 stamped "Terra Surveying" set marking an angle corner of the herein
14 described tract;

15 THENCE, South 85°44'33" East, continuing along said south line, a
16 distance of 2,147.85 feet, to a 5/8-inch iron rod with plastic cap
17 stamped "Terra Surveying" set marking an angle corner of the herein
18 described tract;

19 THENCE, North 85°52'33" East, continuing along said south line, a
20 distance of 32.31 feet to the POINT OF BEGINNING and containing
21 111.307 acres (4,848,534 square feet) of land.

22 Tract 2:

23 COMMENCING at a 5/8-inch iron rod with plastic cap stamped "TERRA
24 SURVEYING" set marking the north end of the northwest right-of-way
25 line cutback line at the intersection of Garth Road (width varies),
26 recorded under Harris County Clerk's File Numbers D838008, W485307
27 and X600931 and in Volume 858, Page 333 of the Harris County Deed

1 Records and Wallisville Road (width varies), as described in the
2 deeds recorded under Harris County Clerk's File Numbers W485307,
3 X715895 and X600931 and in Volume 311, Page 3 of the Harris County
4 Map Records;

5 THENCE, South 36°32'16" West, along said northwest right-of-way
6 cutback line, a distance of 21.59 feet, to a 5/8-inch iron rod with
7 plastic cap stamped "Terra Surveying" set marking the south end of
8 said right-of-way cutback line;

9 THENCE, South 80°30'56" West, along the north right-of-way line of
10 said Wallisville Road, a distance of 772.43 feet to a 5/8-inch iron
11 rod with plastic cap stamped "Terra Surveying" set marking an angle
12 corner of the herein described tract;

13 THENCE, South 07°18'28" East, continuing along the said north
14 right-of-way line, a distance of 18.57 feet to a 5/8-inch iron rod
15 with plastic cap stamped "Terra Surveying" set marking an angle
16 corner of the herein described tract;

17 THENCE, South 80°22'16" West, continuing along said north
18 right-of-way line, a distance of 1,199.32 feet, to a 5/8-inch iron
19 rod with plastic cap stamped "TERRA SURVEYING" set marking an angle
20 corner in said north right-of-way line;

21 THENCE, North 89°32'55" West, continuing along said north
22 right-of-way line, a distance of 158.75 feet to the intersection of
23 said north right-of-way line and the west line of the 150-foot wide
24 Houston Lighting & Power Company easement recorded in Volume 3021,
25 Page 30 of the Harris County Deed Records;

26 THENCE, North 23°29'10" West, along said west line, a distance of
27 403.68 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA

1 SURVEYING" set marking the intersection of said west line and the
2 north line of the 50-foot wide Humble Oil and Refining Company
3 easement recorded in Volume 5296, Page 354, of the Harris County
4 Deed Records marking the south corner and POINT OF BEGINNING of the
5 herein described tract;

6 THENCE, North 57°51'55" West, along said north line, a distance of
7 1,342.79 feet to a 5/8-inch iron rod with plastic cap stamped "S & V
8 SURVEYING" found marking the west corner of the aforesaid 13.860
9 acre tract common with the west corner of the herein described
10 tract;

11 THENCE, North 51°01'12" East, along a northwesterly line of said
12 13.860 acre tract, a distance of 651.92 feet to a 5/8-inch iron rod
13 with plastic cap stamped "S & V SURVEYING" found marking an angle
14 corner of said 13.860 acre tract common with an angle corner of the
15 herein described tract;

16 THENCE, North 23°29'12" West, along a westerly line of said 13.860
17 acre tract, a distance of 832.92 feet to a 5/8-inch iron rod with
18 plastic cap stamped "S & V SURVEYING" found in the south line of the
19 called 11.46 acre San Jacinto River Authority easement marking the
20 northwest corner of said 13.860 acre tract common with the
21 northwest corner of the herein described tract;

22 THENCE, North 79°53'28" East, along said south line, a distance of
23 133.63 feet to a 5/8-inch iron rod with plastic cap stamped "S & V
24 SURVEYING" found marking the northeast corner of said 13.860 acre
25 tract common with the intersection of said south line and the
26 aforesaid west line of the 150-foot wide Houston Lighting & Power
27 Company easement and the northeast corner of the herein described

1 tract;

2 THENCE, South 23°29'10" East, along said west line, a distance of
3 2,084.38 feet to the POINT OF BEGINNING and containing 13.860 acres
4 (603,742 square feet) of land.

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

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed
16 its recommendations relating to this Act with the governor, the
17 lieutenant governor, and the speaker of the house of
18 representatives within the required time.

19 (d) All requirements of the constitution and laws of this
20 state and the rules and procedures of the legislature with respect
21 to the notice, introduction, and passage of this Act are fulfilled
22 and accomplished.

23 SECTION 7. (a) If this Act does not receive a two-thirds
24 vote of all the members elected to each house, Subchapter C, Chapter
25 8478, Special District Local Laws Code, as added by Section 2 of
26 this Act, is amended by adding Section 8478.106 to read as follows:

27 Sec. 8478.106. NO EMINENT DOMAIN POWER. The district may

1 not exercise the power of eminent domain.

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

5 SECTION 8. (a) If this Act does not receive a two-thirds
6 vote of all the members elected to each house, Subchapter C, Chapter
7 8479, Special District Local Laws Code, as added by Section 4 of
8 this Act, is amended by adding Section 8479.106 to read as follows:

9 Sec. 8479.106. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

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

14 SECTION 9. This Act takes effect September 1, 2013.