

By: Patrick

S.B. No. 751

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 531; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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.

Sec. 8452.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8452.003  
2 until each municipality in whose corporate limits or  
3 extraterritorial jurisdiction the district is located has  
4 consented by ordinance or resolution to the creation of the  
5 district and to the inclusion of land in the district.

6 Sec. 8452.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

7 The district is created to serve a public purpose and benefit.

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

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

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

15 Sec. 8452.006. INITIAL DISTRICT TERRITORY. (a) The

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

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

22 (1) organization, existence, or validity;

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

26 (3) right to impose a tax; or

27 (4) legality or operation.

1                   SUBCHAPTER B. BOARD OF DIRECTORS

2                   Sec. 8452.051. GOVERNING BODY; TERMS. (a) The district is  
3 governed by a board of five elected directors.

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

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

8                   (1) J. T. Hall;

9                   (2) Paul White;

10                   (3) Christopher Thomas;

11                   (4) Antoinette Hanson; and

12                   (5) Shane Herzog.

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

14                   (1) the date permanent directors are elected under  
15 Section 8452.003; or

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

18                   (c) If permanent directors have not been elected under  
19 Section 8452.003 and the terms of the temporary directors have  
20 expired, successor temporary directors shall be appointed or  
21 reappointed as provided by Subsection (d) to serve terms that  
22 expire on the earlier of:

23                   (1) the date permanent directors are elected under  
24 Section 8452.003; or

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

27                   (d) If Subsection (c) applies, the owner or owners of a

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

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8452.101. GENERAL POWERS AND DUTIES. The district has  
9 the powers and duties necessary to accomplish the purposes for  
10 which the district is created.

11 Sec. 8452.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
12 DUTIES. The district has the powers and duties provided by the  
13 general law of this state, including Chapters 49 and 54, Water Code,  
14 applicable to municipal utility districts created under Section 59,  
15 Article XVI, Texas Constitution.

16 Sec. 8452.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
17 52, Article III, Texas Constitution, the district may design,  
18 acquire, construct, finance, issue bonds for, improve, operate,  
19 maintain, and convey to this state, a county, or a municipality for  
20 operation and maintenance macadamized, graveled, or paved roads, or  
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8452.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
23 project must meet all applicable construction standards, zoning and  
24 subdivision requirements, and regulations of each municipality in  
25 whose corporate limits or extraterritorial jurisdiction the road  
26 project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road  
2 project must meet all applicable construction standards,  
3 subdivision requirements, and regulations of each county in which  
4 the road project is located.

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

8 Sec. 8452.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
9 OR RESOLUTION. The district shall comply with all applicable  
10 requirements of any ordinance or resolution that is adopted under  
11 Section 54.016 or 54.0165, Water Code, and that consents to the  
12 creation of the district or to the inclusion of land in the  
13 district.

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8452.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
16 district may issue, without an election, bonds and other  
17 obligations secured by:

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

19 (2) contract payments described by Section 8452.153.

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

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

1       Sec. 8452.152. OPERATION AND MAINTENANCE TAX. (a) If  
2 authorized at an election held under Section 8452.151, the district  
3 may impose an operation and maintenance tax on taxable property in  
4 the district in accordance with Section 49.107, Water Code.

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

7       Sec. 8452.153. CONTRACT TAXES. (a) In accordance with  
8 Section 49.108, Water Code, the district may impose a tax other than  
9 an operation and maintenance tax and use the revenue derived from  
10 the tax to make payments under a contract after the provisions of  
11 the contract have been approved by a majority of the district voters  
12 voting at an election held for that purpose.

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

16               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17       Sec. 8452.201. AUTHORITY TO ISSUE BONDS AND OTHER  
18 OBLIGATIONS. The district may issue bonds or other obligations  
19 payable wholly or partly from ad valorem taxes, impact fees,  
20 revenue, contract payments, grants, or other district money, or any  
21 combination of those sources, to pay for any authorized district  
22 purpose.

23       Sec. 8452.202. TAXES FOR BONDS. At the time the district  
24 issues bonds payable wholly or partly from ad valorem taxes, the  
25 board shall provide for the annual imposition of a continuing  
26 direct ad valorem tax, without limit as to rate or amount, while all  
27 or part of the bonds are outstanding as required and in the manner

1 provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 8452.203. BONDS FOR ROAD PROJECTS. At the time of  
3 issuance, the total principal amount of bonds or other obligations  
4 issued or incurred to finance road projects and payable from ad  
5 valorem taxes may not exceed one-fourth of the assessed value of the  
6 real property in the district.

7 SECTION 2. The Harris County Municipal Utility District  
8 No. 531 initially includes all the territory contained in the  
9 following area:

10 Being 264.723 acres of land located in the Jacob Duckworth  
11 Survey, Abstract 227, the George Haig (A.K.A. J.P. Douglas) Survey,  
12 Abstract 338, and the R.H. Barrow Survey, Abstract 1624, Harris  
13 County, Texas, more particularly being a portion of the residue of  
14 that certain called 75.81 acre tract conveyed to Louis Niklas and  
15 Julia Rydel by an instrument of record under File Number K252127, of  
16 the Official Public Records of Real Property, of said Harris  
17 County, Texas (H.C.O.P.R.R.P.), all of the residue of that certain  
18 called 34.507 acre tract conveyed to Barbara White by an instrument  
19 of record under File Number S646489, H.C.O.P.R.R.P., a portion of  
20 that certain called 44.1682 acre tract conveyed to Julia Niklas  
21 Rydel by an instrument of record under File Number G737799,  
22 H.C.O.P.R.R.P., a portion of that certain called 1.9926 acre tract  
23 conveyed to Clayton L. Kitzmann and Janice L. Kitzmann by an  
24 instrument of record under File Number J023156, H.C.O.P.R.R.P., a  
25 portion of the residue of that certain called 81.99 acre tract  
26 conveyed to Irene Sanders Newberry by an instrument of record under  
27 File Number L075748, H.C.O.P.R.R.P., all of the residue of those

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

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

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

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

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

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

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

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

23           Thence, South 02° 13' 01" East, along the west line of said  
24 3.524 acre tract and the east line of said 1.9926 acre tract, 379.68  
25 feet to a point for corner on the north right-of-way line of Schiel  
26 Road (100 feet wide) as described under File Numbers 20100388058,  
27 20100471263, 20100513706 and 20110361248, H.C.O.P.R.R.P.;

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

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

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

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

23           Thence, North 87° 45' 39" East, along the north line of said  
24 81.99 acre tract and the south line of said 10.158 acre tract and  
25 the centerline of said 60 foot wide easement, 968.92 feet to a  
26 3/4-inch iron pipe found for the common south corner of said 10.158  
27 acre tract and that certain called 21.2106 acre tract conveyed to

1 Jeffrey J. Gulley by an instrument of record under File Number  
2 20100506999, H.C.O.P.R.R.P.;

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

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

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

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

27 Thence, North 87° 37' 30" East, at 297.74 feet pass a 1-inch

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

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

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

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

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

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

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

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

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

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

23           Thence, South 03° 32' 23" East, along the east line of said  
24 34.507 acre tract and said common survey line, passing at 30.17 feet  
25 a 5/8-inch iron rod found on the southerly line of said 60-foot wide  
26 easement, continuing in all a distance of 1,970.98 feet to a point  
27 for the southwest corner of that certain called 5.0000 acre tract

1 conveyed to Llewellyn Harkness, IV and Julie McGee Harkness by an  
2 instrument of record under File Number S588883, H.C.O.P.R.R.P.;

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

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

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

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

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

27 SECTION 3. (a) The legal notice of the intention to

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

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

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

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

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

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

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

27 SECTION 5. This Act takes effect immediately if it receives

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