

By: Patrick

S.B. No. 752

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 530; 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 8451 to read as follows:

CHAPTER 8451. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 530

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8451.001. 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. 530.

Sec. 8451.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8451.003. 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. 8451.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8451.003
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. 8451.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

7 (a) 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. 8451.006. 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. 8451.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8451.052, directors serve
5 staggered four-year terms.

6 Sec. 8451.052. TEMPORARY DIRECTORS. (a) The temporary
7 board consists of:

8 (1) Jerry Ashmore;

9 (2) Bari Pace;

10 (3) Robert Quarles;

11 (4) Neal Shudde; and

12 (5) Jim Thomas.

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

14 (1) the date permanent directors are elected under
15 Section 8451.003; 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 8451.003 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 8451.003; 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. 8451.101. 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. 8451.102. 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. 8451.103. 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. 8451.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
23 road project must meet all applicable construction standards,
24 zoning and subdivision requirements, and regulations of each
25 municipality in whose corporate limits or extraterritorial
26 jurisdiction the road 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. 8451.105. 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. 8451.151. ELECTIONS REGARDING TAXES OR BONDS.

16 (a) The 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 8451.153.

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. 8451.152. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 8451.151, 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. 8451.153. 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. 8451.201. 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. 8451.202. 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. 8451.203. 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. 530 initially includes all the territory contained in the
9 following area:

10 Being 384.307 acres of land located in the William Hironymus
11 Survey, Abstract 352, the Thomas Martin Survey, Abstract 552, the
12 Milton Yates Survey, Abstract 945 and the G. C. & S. F. R.R. Survey,
13 Abstract 1301, Harris County, Texas, more particularly being all
14 portion of that certain called 151.830 acre tract conveyed to
15 District & Urban (Texas), Inc. by an instrument of record under File
16 Number V839891, of the Official Public Records of Real Property, of
17 said Harris County, Texas (H.C.O.P.R.R.P.), all of the residue of
18 that certain called 76.3015 acre tract conveyed to District & Urban
19 (Texas), Inc. by an instrument of record under File Number U759568,
20 H.C.O.P.R.R.P., all of that certain called 134.113 acre tract
21 conveyed to New Light Church World Outreach and Worship Centers,
22 Inc. by an instrument of record under File Number 20110367407,
23 H.C.O.P.R.R.P., and a portion of that certain called 48.1306 acre
24 tract conveyed to New Light Church World Outreach and Worship
25 Centers, Inc. by an instrument of record under File Number S473526,
26 H.C.O.P.R.R.P., said 384.307 acre tract being more particularly
27 described by metes and bounds as follows (all bearings referenced

1 to the Texas State Plane Coordinate System, South Central Zone,
2 NAD83, 2001 adjustment);

3 BEGINNING at a 1/2-inch iron rod found at the northwest
4 corner of Klein I.S.D. Benignus Elementary School, a subdivision of
5 record under Film Code 591255, Harris County Map Records,
6 (H.C.M.R.), same being the northeast corner of said 134.113 acre
7 tract and being on the southerly right-of-way line of F.M. 2920 (120
8 feet wide) as recorded in Volume 7182, Pg. 575, Volume 7195, Page
9 405, and Volume 8040, Page 330, Harris County Deed Records
10 (H.C.D.R.);

11 Thence, South 02° 18' 34" East, along the west line of said
12 Klein I.S.D. Benignus Elementary School, 889.00 feet to a point for
13 the southwest corner of said School, same being the northwest
14 corner of Windrose West Sec. 15 Amending Plat No. 1, a subdivision
15 of record under Film Code 600043, H.C.M.R. and from which a 3/4-inch
16 iron rod with a cap stamped "COTTON SURVEYING" found bears North 88°
17 22' 58" West, 2.47 feet;

18 Thence, South 02° 19' 34" East, along the west line of said
19 Windrose West Sec. 15, 613.36 feet to an angle point for corner;

20 Thence, South 02° 15' 50" East, continuing along the west line
21 of said Windrose West Sec. 15, 421.93 feet to an angle point for
22 corner;

23 Thence, South 02° 27' 35" East, continuing along the west line
24 of said Windrose West Sec. 15, 737.94 feet to a 5/8-inch iron rod
25 with a cap stamped "CARTER & BURGESS" found for the southwest corner
26 of said Windrose West Sec. 15, same being the northeast corner of
27 Windrose West Sec. 12, a subdivision of record under Film Code

1 556244, H.C.M.R.;

2 Thence, South 02° 24' 52" East, along the west line of said
3 Windrose West Sec. 12, 574.92 feet to a 5/8-inch iron rod with a cap
4 stamped "CARTER & BURGESS" found for the southwest corner of said
5 Windrose West Sec. 12;

6 Thence, North 87° 22' 10" East, along the south line of said
7 Windrose West Sec. 12, 291.75 feet to a 5/8-inch iron rod with a cap
8 stamped "CARTER & BURGESS" found for the northwest corner of
9 Windrose West Sec. 14, a subdivision of record under Film Code
10 576205, H.C.M.R.;

11 Thence, South 01° 41' 48" East, along the west line of said of
12 Windrose West Sec. 14, 1,358.62 feet to a 5/8-inch iron rod with a
13 cap stamped "CARTER & BURGESS" found for an interior angle point for
14 corner on said west line, same being the southeast corner of said
15 134.113 acre tract, said point being on the common survey line of
16 the aforementioned Thomas Martin and G.C. & S.F. R.R. Surveys;

17 Thence, South 87° 53' 49" West, continuing along said west
18 line and along the south line of said 134.113 acre tract and said
19 common survey line, passing the most northerly southwest corner of
20 said Windrose West Sec. 14 at 63.99 feet, same being the northeast
21 corner of the residue of a called 16.7436 acre tract known as "Tract
22 2" being conveyed to New Light Church World Outreach and Worship
23 Centers, Inc. under File Number S473526, H.C.O.P.R.R.P., from which
24 a 5/8-inch iron rod with cap stamped "CARTER & BURGESS" found bears
25 South 11° 59' 34" East, 1.08 feet, continuing along said south line,
26 a total of 1,332.77 feet to a point for corner, said point being on
27 the north line of the aforementioned 48.1306 acre tract;

1 Thence, South 34° 56' 11" West, departing the south line of
2 said 134.113 acre tract, the north line of said 48.1306 acre tract
3 and said common survey line, over and across said 48.1306 acre
4 tract, 359.28 feet to a point for corner;

5 Thence, South 02° 02' 25" East, continuing across said 48.1306
6 acre tract, 795.30 feet to a point for corner on the south line of
7 said 48.1306 acre tract;

8 Thence, South 87° 57' 28" West, along said south line, 857.69
9 feet to a 5/8-inch iron rod with cap stamped "AECOM-INC" found for
10 corner on the easterly right-of-way line of Stuebner-Airline Road
11 (called 120 feet wide) as described under File Number 20100437741,
12 H.C.O.P.R.R.P. and Volume 3042, Page 345, H.C.D.R.;

13 Thence, North 25° 49' 27" West, along said easterly
14 right-of-way line, 1,180.95 feet to a point for corner on the north
15 line of said 48.1306 acre tract and the south line of that certain
16 called 10.4772 acre tract conveyed to Morris Strack and Helen R.
17 Strack by an instrument of record under File Number T245825,
18 H.C.O.P.R.R.P., and the aforementioned common survey line of the
19 Thomas Martin and G. C. and S.F. R.R. Surveys;

20 Thence, North 87° 53' 49" East, along the north line of said
21 48.1306 acre tract, the south line of said 10.4772 acre tract and
22 along said common survey line, 767.63 feet to a 1/2-inch iron rod
23 found for the southeast corner of said 10.4722 acre tract and the
24 southwest corner of the aforementioned 134.113 acre tract;

25 Thence, North 16° 50' 36" West, departing said common survey
26 line and along the east line of said 10.4772 acre tract, 763.85 feet
27 to a 1/2-inch iron rod found for the northeast corner of said

1 10.4772 acre tract;

2 Thence, along the northerly line of said 10.4772 acre tract
3 and a southerly line of said 134.113 acre tract, the following three
4 (3) courses:

5 1) South 73° 26' 34" West, 532.31 feet to a 1/2-inch iron rod
6 found for corner;

7 2) South 26° 26' 59" East, 233.61 feet to a 5/8-inch iron rod
8 found for corner;

9 3) South 63° 25' 39" West, 299.22 feet to a 5/8-inch iron rod
10 with cap stamped "AECOM-INC" found for corner on the easterly
11 right-of-way line of said Stuebner-Airline Road;

12 Thence, North 25° 49' 27" West, along said easterly
13 right-of-way line, 751.96 feet to a 5/8-inch iron rod with cap
14 stamped "SURVCON" found for the south corner of that certain called
15 1.955 acre tract conveyed to Harris County by an instrument of
16 record under File Number 20100437741, H.C.O.P.R.R.P.;

17 Thence, along the southeasterly line of said 1.955 acre
18 tract, the following four (4) courses:

19 1) North 64° 13' 10" East, 106.29 feet to a 5/8-inch iron rod
20 with cap stamped "SURVCON" found for corner;

21 2) North 09° 27' 35" East, 62.36 feet to a 5/8-inch iron rod
22 with cap stamped "SURVCON" found for corner;

23 3) North 22° 59' 23" East, 225.45 feet to a 5/8-inch iron rod
24 with cap stamped "SURVCON" found for corner;

25 4) North 25° 49' 17" West, 77.74 feet to a 5/8-inch iron rod
26 with cap stamped "SURVCON" found for the northeast corner of said
27 1.955 acre tract, said point being on the south line of that certain

1 called 5.000 acre tract conveyed to J.M.C. and Associates, Inc. by
2 an instrument of record under File Number R457814, H.C.O.P.R.R.P.,
3 said point being on the north line of said 134.113 acre tract, and
4 being on the common survey line of the Thomas Martin and Milton
5 Yates Surveys;

6 Thence, North 87° 21' 28" East, along said common survey line,
7 207.75 feet to a point for the southeast corner of said 5.000 acre
8 tract and a re-entrant corner on the west line of said 134.113 acre
9 tract, same being the common south corner of said Milton Yates
10 Survey and the aforementioned Thomas Hironymus Survey;

11 Thence, North 02° 22' 08" West, along the common survey line
12 of the Milton Yates and said Thomas Hironymus Surveys and along a
13 west line of said 134.113 acre tract at 231.67 feet pass a 3/8-inch
14 iron rod found for the most northerly northwest corner of said
15 134.113 acre tract, same being the southwest corner of the
16 aforementioned 151.830 acre tract, continuing along said common
17 survey line and along the west line of said 151.830 acre tract, in
18 all a total distance of 1,104.29 feet to a 3/8-inch iron rod found
19 for the southeast corner of the aforementioned 76.3015 acre tract,
20 same being the northeast corner of that certain called 4.023 acre
21 tract conveyed to Sterling Bank by an instrument of record under
22 File Number 20090503482, H.C.O.P.R.R.P., said 4.023 acre tract
23 being a portion of that certain called 8.0240 acre tract conveyed to
24 John Dempsey, Brian Dempsey and Darryl Dempsey by an instrument of
25 record under File Number X690238, H.C.O.P.R.R.P.;

26 Thence, along the south line of said 76.3015 acre tract, the
27 following six (6) courses:

1 1) South 76° 50' 39" West, along the north line of said
2 8.0240 acre tract, 440.36 feet to a 5/8-inch iron rod with cap
3 stamped "HOVIS" found for the southeast corner of that certain
4 called 1.003 acre tract conveyed to Dan A. Hughes by an instrument
5 of record under File Number T782305, H.C.O.P.R.R.P.;

6 2) North 13° 09' 21" West, departing the north line of said
7 8.0240 acre tract and along the east line of said 1.003 acre tract,
8 235.00 feet to a point for corner;

9 3) South 76° 50' 39" West, along the north line of said 1.003
10 acre tract, 186.00 feet to a point for corner;

11 4) South 13° 09' 21" East, along the west line of said 1.003
12 acre tract, 235.00 feet to a 5/8-inch iron rod with cap stamped
13 "HOVIS" found for the southwest corner of said 1.003 acre tract,
14 said point being on the north line of said 8.0240 acre tract;

15 5) South 76° 44' 34" West, along the north line of said
16 8.0240 acre tract, 46.98 feet to a 3/8-inch iron rod found for an
17 angle point on the north line of said 8.0240 acre tract and the
18 south line of said 76.3015 acre tract;

19 6) South 62° 27' 26" West, continuing along the north line of
20 said 8.0240 acre tract, 285.67 feet to a point for corner on the
21 easterly right-of-way line of Stuebner-Airline Road (called 120
22 feet wide) as described under File Number 20100319615,
23 H.C.O.P.R.R.P.;

24 Thence, North 25° 49' 27" West, along said easterly
25 right-of-way line, 2,215.66 feet to a point for corner, the
26 beginning of a curve;

27 Thence, 392.98 feet continuing along said easterly

1 right-of-way line (width varies) and the arc of a tangent curve to
2 the right having a radius of 1,082.00 feet, a central angle of 20°
3 48' 35", and a chord that bears North 15° 25' 10" West, 390.82 feet
4 to a point for corner at the end of said curve on the aforementioned
5 southerly right-of-way line of F.M. 2920, the beginning of a curve;

6 Thence, 560.99 feet along said southerly right-of-way line of
7 F.M. 2920 and the arc of a non-tangent curve to the left having a
8 radius of 3,879.77 feet, a central angle of 08° 17' 05", and a chord
9 that bears South 88° 23' 15" East, 560.51 feet to a point for corner;

10 Thence, North 87° 28' 13" East, continuing along said
11 southerly right-of-way line of F.M. 2920, 3,971.10 feet to the
12 POINT OF BEGINNING and containing 384.307 acres of land.

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4. (a) If this Act does not receive a two-thirds
5 vote of all the members elected to each house, Subchapter C, Chapter
6 8451, Special District Local Laws Code, as added by Section 1 of
7 this Act, is amended by adding Section 8451.106 to read as follows:

8 Sec. 8451.106. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

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

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