

By: Hegar

S.B. No. 1071

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 532; 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 8443 to read as follows:

CHAPTER 8443. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 532

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8443.001. 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. 532.

Sec. 8443.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8443.003. 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. 8443.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8443.003
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. 8443.005. 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. 8443.006. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8443.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8443.052, directors serve staggered four-year terms.

Sec. 8443.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8443.003; or

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

(c) If permanent directors have not been elected under Section 8443.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8443.003; or

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

(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. 8443.101. 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. 8443.102. 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. 8443.103. 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. 8443.104. 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. 8443.105. 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. 8443.151. 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 8443.153.

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. 8443.152. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 8443.151, 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. 8443.153. 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. 8443.201. 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. 8443.202. 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. 8443.203. 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 No.
8 532 initially includes all the territory contained in the following
9 area:

10 BEING a 473.9311 acre tract of land situated in Section 69,
11 Block 2 of the H. & T.C.R.R. Company Survey, Abstract No. 459 of
12 Harris County, Texas, being all of the Northeast 1/4 and a portion
13 of the Southeast and Southwest 1/4 of said Section 69, same also
14 being all of those certain tracts of land described in an instrument
15 to Lynell Freeman, Trustee of the Freeman Family Trust recorded
16 under Harris County Clerk's File Number (H.C.C.F. No.) U390809 and
17 U390807, excluding the portion of said tracts lying within the
18 right-of-way of Farm-to-Market Road 529, said 473.9311 acre tract
19 of land being more particularly described by metes and bounds as
20 follows:

21 BEGINNING at a railroad spike in asphalt found in the
22 centerline of Katy-Hockley Cut-Off Road (60-foot width) and
23 Longenbaugh Road (60-foot width) for the Northeast corner of said
24 Section 69, same being the Southwest corner of Section 57, Block 2
25 of the H. & T.C.R.R. Company Survey, Abstract No. 443, the Northwest
26 corner of Section 58, Block 2 of the H. & T. C. R.R. Company Survey
27 (George Spencer Survey), Abstract No. 1368, the Southeast corner of

1 Section 70, Block 2 of the H. & T.C.R.R. Company Survey and the
2 Southeast corner of the J.E. Cabaniss Survey, Abstract No. 1470
3 which is out of said Section 70;

4 THENCE, S 02° 06' 22" E, a distance of 5,128.30 feet along the
5 centerline of said Katy-Hockley Cut-Off, the East line of said
6 Section 69 and the West line of said Section 58 to a point for
7 corner;

8 THENCE, S 87° 53' 38" W, a distance of 30.00 feet to a point
9 for corner in the North right-of-way line of Farm-to-Market Road
10 529 (H.C.C.F. No. C351486 & C261186) and from which a found 4"x4"
11 concrete monument bears N 43° 07' E, 1.27 feet;

12 THENCE, S 43° 07' 01" W, a distance of 133.21 feet along the
13 Northwest cut-back line of the intersection of said Katy-Hockley
14 Road and Farm-to-Market Road 529 (120-foot width) to a point for
15 corner in the North right-of-way line of said Farm-to-Market Road
16 529;

17 THENCE, S 87° 53' 30" W, a distance of 5,045.90 feet along the
18 North right-of-way line of said Farm-to-Market Road 529 to a 4"x4"
19 concrete monument found for the Southeast corner of the Northeast
20 cut-back of the intersection of said Farm-to-Market Road 529 and
21 Katy-Hockley Road;

22 THENCE, N 47° 06' 59" W, a distance of 135.29 feet along the
23 Northeast cut-back line of the intersection of said Farm-to-Market
24 Road 529 and Katy-Hockley Road to a point for corner in the East
25 right-of-way line of said Katy-Hockley Road (60-foot width) and
26 from which a found concrete monument bears S 40° 50' E, 3.13 feet;

27 THENCE, S 87° 58' 20" W, a distance of 30.00 feet to a point

1 for corner in the centerline of said Katy-Hockley Road (60-foot
2 width) and being in the West line of said Section 69;

3 THENCE, N 02° 01' 40" W, a distance of 2,490.97 feet along the
4 West line of said Section 69 and the centerline of said Katy-Hockley
5 Road (60-foot width) to a 5/8-inch iron rod found for the Northwest
6 corner of the Southwest 1/4 of said Section 69, same being the
7 Southwest corner of a called 1.00 acre tract described in an
8 instrument filed for record under H.C.C.F. No. D748274;

9 THENCE, N 88° 02' 19" E, along the North line of the Southwest
10 1/4 of said Section 69, the South line of said 1.00 acre tract and
11 the South line of a called 158.167 acre tract described in an
12 instrument filed for record under H.C.C.F. No. 20110061749, at
13 distance of 30.00 pass the East right-of-way line of said
14 Katy-Hockley Road, at a distance of 313.00 feet pass the Southeast
15 corner of said 1.0 acre tract and a Southwest corner of said 158.167
16 acre tract and continuing for a total distance of 2,645.41 feet to a
17 point for the Northeast corner of the Southwest 1/4 of said Section
18 69, the Southwest corner of the Northeast 1/4 of said Section 69,
19 the Northwest corner of the Southeast 1/4 of said Section 69, same
20 also being the Southeast corner of said 158.167 acre tract;

21 THENCE, N 02° 01' 40" W, a distance of 2,642.89 feet along the
22 East line of said 158.167 acre tract and the West line of the
23 Northeast 1/4 of said Section 69 to a point for the Northwest corner
24 of the Northeast 1/4 of said Section 69, same being the Northeast
25 corner of said 158.167 acre tract, the most Southerly Southwest
26 corner of said J.E. Cabaniss Survey, Abstract No. 1470, the
27 Southeast corner of a called 75.308 acre tract of land described in

1 an instrument filed for record under H.C.C.F. No. T291060, the
2 Southeast corner of the G.H. Holley Survey, Abstract 1480 and the
3 most Southerly Southwest corner of a called 400 acre tract of land
4 described in an instrument to Jesse L. Freeman filed for record
5 under Volume 1212, Page 482 of the Harris County Deed Records;

6 THENCE, N 87° 54' 21" E, a distance of 2,643.72 feet along the
7 South line of said 400.00 acres, the South line of said J.E.
8 Cabaniss Survey, Abstract No. 1470 and the North line of the
9 Northeast 1/4 of said Section 69 to the POINT OF BEGINNING and
10 containing 473.911 acres of land.

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

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

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

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 8443, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 8443.106 to read as follows:

6 Sec. 8443.106. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

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

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