

1-1 By: Hegar S.B. No. 1072
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 4, 2013, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Hinojosa</u>	X		
1-9	<u>Nichols</u>	X		
1-10	<u>Garcia</u>	X		
1-11	<u>Paxton</u>	X		
1-12	<u>Taylor</u>	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the creation of the Harris County Municipal Utility
1-16 District No. 533; granting a limited power of eminent domain;
1-17 providing authority to issue bonds.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-20 Code, is amended by adding Chapter 8453 to read as follows:

1-21 CHAPTER 8453. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 533

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8453.001. DEFINITIONS. In this chapter:

1-24 (1) "Board" means the district's board of directors.

1-25 (2) "Commission" means the Texas Commission on
1-26 Environmental Quality.

1-27 (3) "Director" means a board member.

1-28 (4) "District" means the Harris County Municipal
1-29 Utility District No. 533.

1-30 Sec. 8453.002. NATURE OF DISTRICT. The district is a
1-31 municipal utility district created under Section 59, Article XVI,
1-32 Texas Constitution.

1-33 Sec. 8453.003. CONFIRMATION AND DIRECTORS' ELECTION
1-34 REQUIRED. The temporary directors shall hold an election to
1-35 confirm the creation of the district and to elect five permanent
1-36 directors as provided by Section 49.102, Water Code.

1-37 Sec. 8453.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-38 temporary directors may not hold an election under Section 8453.003
1-39 until each municipality in whose corporate limits or
1-40 extraterritorial jurisdiction the district is located has
1-41 consented by ordinance or resolution to the creation of the
1-42 district and to the inclusion of land in the district.

1-43 Sec. 8453.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-44 (a) The district is created to serve a public purpose and benefit.

1-45 (b) The district is created to accomplish the purposes of:

1-46 (1) a municipal utility district as provided by
1-47 general law and Section 59, Article XVI, Texas Constitution; and

1-48 (2) Section 52, Article III, Texas Constitution, that
1-49 relate to the construction, acquisition, improvement, operation,
1-50 or maintenance of macadamized, graveled, or paved roads, or
1-51 improvements, including storm drainage, in aid of those roads.

1-52 Sec. 8453.006. INITIAL DISTRICT TERRITORY. (a) The
1-53 district is initially composed of the territory described by
1-54 Section 2 of the Act enacting this chapter.

1-55 (b) The boundaries and field notes contained in Section 2 of
1-56 the Act enacting this chapter form a closure. A mistake made in the
1-57 field notes or in copying the field notes in the legislative process
1-58 does not affect the district's:

1-59 (1) organization, existence, or validity;

1-60 (2) right to issue any type of bond for the purposes
1-61 for which the district is created or to pay the principal of and

2-1 interest on a bond;
2-2 (3) right to impose a tax; or
2-3 (4) legality or operation.

2-4 SUBCHAPTER B. BOARD OF DIRECTORS

2-5 Sec. 8453.051. GOVERNING BODY; TERMS. (a) The district is
2-6 governed by a board of five elected directors.

2-7 (b) Except as provided by Section 8453.052, directors serve
2-8 staggered four-year terms.

2-9 Sec. 8453.052. TEMPORARY DIRECTORS. (a) On or after the
2-10 effective date of the Act enacting this chapter, the owner or owners
2-11 of a majority of the assessed value of the real property in the
2-12 district may submit a petition to the commission requesting that
2-13 the commission appoint as temporary directors the five persons
2-14 named in the petition. The commission shall appoint as temporary
2-15 directors the five persons named in the petition.

2-16 (b) Temporary directors serve until the earlier of:

2-17 (1) the date permanent directors are elected under
2-18 Section 8453.003; or

2-19 (2) the fourth anniversary of the effective date of
2-20 the Act enacting this chapter.

2-21 (c) If permanent directors have not been elected under
2-22 Section 8453.003 and the terms of the temporary directors have
2-23 expired, successor temporary directors shall be appointed or
2-24 reappointed as provided by Subsection (d) to serve terms that
2-25 expire on the earlier of:

2-26 (1) the date permanent directors are elected under
2-27 Section 8453.003; or

2-28 (2) the fourth anniversary of the date of the
2-29 appointment or reappointment.

2-30 (d) If Subsection (c) applies, the owner or owners of a
2-31 majority of the assessed value of the real property in the district
2-32 may submit a petition to the commission requesting that the
2-33 commission appoint as successor temporary directors the five
2-34 persons named in the petition. The commission shall appoint as
2-35 successor temporary directors the five persons named in the
2-36 petition.

2-37 SUBCHAPTER C. POWERS AND DUTIES

2-38 Sec. 8453.101. GENERAL POWERS AND DUTIES. The district has
2-39 the powers and duties necessary to accomplish the purposes for
2-40 which the district is created.

2-41 Sec. 8453.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-42 DUTIES. The district has the powers and duties provided by the
2-43 general law of this state, including Chapters 49 and 54, Water Code,
2-44 applicable to municipal utility districts created under Section 59,
2-45 Article XVI, Texas Constitution.

2-46 Sec. 8453.103. AUTHORITY FOR ROAD PROJECTS. Under Section
2-47 52, Article III, Texas Constitution, the district may design,
2-48 acquire, construct, finance, issue bonds for, improve, operate,
2-49 maintain, and convey to this state, a county, or a municipality for
2-50 operation and maintenance macadamized, graveled, or paved roads, or
2-51 improvements, including storm drainage, in aid of those roads.

2-52 Sec. 8453.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-53 road project must meet all applicable construction standards,
2-54 zoning and subdivision requirements, and regulations of each
2-55 municipality in whose corporate limits or extraterritorial
2-56 jurisdiction the road project is located.

2-57 (b) If a road project is not located in the corporate limits
2-58 or extraterritorial jurisdiction of a municipality, the road
2-59 project must meet all applicable construction standards, zoning and
2-60 subdivision requirements, and regulations of each county in which
2-61 the road project is located.

2-62 (c) If the state will maintain and operate the road, the
2-63 Texas Transportation Commission must approve the plans and
2-64 specifications of the road project.

2-65 Sec. 8453.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2-66 OR RESOLUTION. The district shall comply with all applicable
2-67 requirements of any ordinance or resolution that is adopted under
2-68 Section 54.016 or 54.0165, Water Code, and that consents to the
2-69 creation of the district or to the inclusion of land in the

3-1 district.
 3-2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 3-3 Sec. 8453.151. ELECTIONS REGARDING TAXES OR BONDS.
 3-4 (a) The district may issue, without an election, bonds and other
 3-5 obligations secured by:
 3-6 (1) revenue other than ad valorem taxes; or
 3-7 (2) contract payments described by Section 8453.153.
 3-8 (b) The district must hold an election in the manner
 3-9 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-10 before the district may impose an ad valorem tax or issue bonds
 3-11 payable from ad valorem taxes.
 3-12 (c) The district may not issue bonds payable from ad valorem
 3-13 taxes to finance a road project unless the issuance is approved by a
 3-14 vote of a two-thirds majority of the district voters voting at an
 3-15 election held for that purpose.
 3-16 Sec. 8453.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-17 authorized at an election held under Section 8453.151, the district
 3-18 may impose an operation and maintenance tax on taxable property in
 3-19 the district in accordance with Section 49.107, Water Code.
 3-20 (b) The board shall determine the tax rate. The rate may not
 3-21 exceed the rate approved at the election.
 3-22 Sec. 8453.153. CONTRACT TAXES. (a) In accordance with
 3-23 Section 49.108, Water Code, the district may impose a tax other than
 3-24 an operation and maintenance tax and use the revenue derived from
 3-25 the tax to make payments under a contract after the provisions of
 3-26 the contract have been approved by a majority of the district voters
 3-27 voting at an election held for that purpose.
 3-28 (b) A contract approved by the district voters may contain a
 3-29 provision stating that the contract may be modified or amended by
 3-30 the board without further voter approval.
 3-31 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS
 3-32 Sec. 8453.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-33 OBLIGATIONS. The district may issue bonds or other obligations
 3-34 payable wholly or partly from ad valorem taxes, impact fees,
 3-35 revenue, contract payments, grants, or other district money, or any
 3-36 combination of those sources, to pay for any authorized district
 3-37 purpose.
 3-38 Sec. 8453.202. TAXES FOR BONDS. At the time the district
 3-39 issues bonds payable wholly or partly from ad valorem taxes, the
 3-40 board shall provide for the annual imposition of a continuing
 3-41 direct ad valorem tax, without limit as to rate or amount, while all
 3-42 or part of the bonds are outstanding as required and in the manner
 3-43 provided by Sections 54.601 and 54.602, Water Code.
 3-44 Sec. 8453.203. BONDS FOR ROAD PROJECTS. At the time of
 3-45 issuance, the total principal amount of bonds or other obligations
 3-46 issued or incurred to finance road projects and payable from ad
 3-47 valorem taxes may not exceed one-fourth of the assessed value of the
 3-48 real property in the district.
 3-49 SECTION 2. The Harris County Municipal Utility District No.
 3-50 533 initially includes all the territory contained in the following
 3-51 area:
 3-52 BEING a 469.8048 acre tract of land situated the J.E.
 3-53 Cabaniss Survey, Abstract 1470 which is out of Section 70, Block 2
 3-54 of the H. & T. C.R.R. Company Survey, Section 57, Block 2 of the H. &
 3-55 T. C.R.R. Company Survey, Abstract 443, Harris County, Texas and
 3-56 being the remainder of a called 400 acre tract of land described in
 3-57 an instrument to Jesse L. Freeman filed for record under Volume
 3-58 1212, Page 482 of the Harris County Deed Records, the remainder of a
 3-59 called 328.97 acre tract of land described in instruments filed for
 3-60 record under Harris County Clerk's File Number (H.C.C.F. No.)
 3-61 U390810 and X913891, and all of a called 1.0 acre tract of land
 3-62 described in an instrument to Harold L. Freeman and wife, Lynell
 3-63 Freeman filed for record under H.C.C.F. No. J087863, said 469.8048
 3-64 acre tract of land being more particularly described by metes and
 3-65 bounds as follows:
 3-66 BEGINNING at a railroad spike in asphalt found in the
 3-67 centerline of Katy-Hockley Cut-Off Road (60-foot width) and
 3-68 Longenbaugh Road (60-foot width) for the Northeast corner of
 3-69 Section 69, Block 2 of the H. & T.C.R.R. Company Survey, Abstract

4-1 No. 459 , same being the Southwest corner of said Section 57, Block
4-2 2 of the H. & T.C.R.R. Company Survey, Abstract No. 443, the
4-3 Northwest corner of Section 58, Block 2 of the H. & T. C. R.R.
4-4 Company Survey (George Spencer Survey), Abstract No. 1368 and the
4-5 Southeast corner of said J.E. Cabaniss Survey, Abstract No. 1470;

4-6 THENCE, S 87° 54' 21" W, a distance of 2,643.72 along and with
4-7 the South line of said 400 acres, the South line of said J.E.
4-8 Cabaniss Survey, Abstract No. 1470 and the North line of the
4-9 Northeast 1/4 of said Section 69 to a point for corner being
4-10 Northwest corner of the Northeast 1/4 of said Section 69, same being
4-11 the Northeast corner of a called 158.167 acre tract of land
4-12 described in an instrument filed for record under H.C.C.F. No.
4-13 20110061749, the most Southerly Southwest corner of said J.E.
4-14 Cabaniss Survey, Abstract No. 1470, the Southeast corner of a
4-15 called 75.308 acre tract of land described in an instrument filed
4-16 for record under H.C.C.F. No. T291060, the Southeast corner of the
4-17 G.H. Holley Survey, Abstract 1480 and the Southwest corner of said
4-18 400 acre tract;

4-19 THENCE, N 02° 03' 53" W, along and with the West line of said
4-20 400 acre tract, at a distance of 1,322.59 feet pass the Northeast
4-21 corner of said 75.308 acre tract and the Southeast corner of a
4-22 called 53.142 acre tract of land described in an instrument filed
4-23 for record under H.C.C.F. No. X139859, and continuing for a total
4-24 distance of 1,535.40 feet to a 5/8-inch iron rod with cap stamped
4-25 "JNS Engineers" found for the Southwest corner of a called 1.401
4-26 acre tract of land described in an instrument to Harris County filed
4-27 for record under H.C.C.F. No. X290296;

4-28 THENCE N 87° 56' 07" E, a distance of 55.00 feet along the
4-29 South line of said 1.401 acre tract to a 5/8-inch iron rod with cap
4-30 stamped "JNS Engineers" found for the Southeast corner of said
4-31 1.401 acre tract;

4-32 THENCE, N 02° 03' 53" W, a distance of 1,109.97 feet along the
4-33 East line of said 1.401 acre tract to a 5/8-inch iron rod with cap
4-34 stamped "JNS Engineers" found for the Northeast corner of said
4-35 1.401 acre tract and being in the South line of a called 215.658
4-36 acre tract of land described in an instrument to Harris County filed
4-37 for record under H.C.C.F. No. W075836, same being the Northwest
4-38 corner of the remainder of said 400 acre tract;

4-39 THENCE, N 87° 59' 43" E, along and with the South line of said
4-40 215.658 acre tract and the North line of the remainder of said
4-41 400-acre tract, at a distance of 2,556.81 feet pass the West
4-42 right-of-way line of said Katy-Hockley Cut-Off Road (60-foot width)
4-43 and continuing for a total distance of 2,586.81 feet to a point for
4-44 corner in the centerline of said Katy-Hockley Cut-Off Road, same
4-45 also being in the West line of said Section 57 and the West line of
4-46 said 328.97 acre tract;

4-47 THENCE, N 02° 06' 22" W, a distance of 1,326.01 feet along and
4-48 with the centerline of said Katy-Hockley Cut-Off Road, the West
4-49 line of said Section 57, the West line of said 328.97 acre tract and
4-50 the East line of said J.E. Cabaniss Survey to a point for the
4-51 Northwest corner of said 328.97 acre tract and the most Westerly
4-52 Southwest corner of a called 50.000 acre tract of land described in
4-53 an instrument to Felix Jegede filed for record under H.C.C.F. No.
4-54 20060183947;

4-55 THENCE, N 89° 28' 02" E, along and with a South line of said
4-56 50.000 acre tract and the North line of said 328.97 acre tract, at a
4-57 distance of 30.00 feet pass a 3/4-inch iron pipe found in the East
4-58 right-of-way line of said Katy-Hockley Cut-Off Road and continuing
4-59 for a total distance of 2,636.64 feet to a 1/2-inch iron rod found
4-60 the most Northerly Northeast corner of said 328.97 acre tract and a
4-61 reentrant corner of said 50.000 acre tract;

4-62 THENCE, S 02° 19' 14" E, a distance of 1,320.59 feet along and
4-63 with an East line of said 328.97 acre tract and a West line of said
4-64 50.000 acre tract to a 1/2-inch iron rod found for a Southwest
4-65 corner of said 50.000 acre tract and a reentrant corner of said
4-66 328.97 acre tract;

4-67 THENCE, N 88° 28' 35" E, a distance of 1,271.46 feet along and
4-68 with a North line of said 328.97 acre tract and a South line of said
4-69 50.000 acre tract to a 2-inch iron pipe found for the Northwest

5-1 corner of a called 55.557 acre tract of land described in an
5-2 instrument to Poarch/Swinbank Limited Partnership filed for record
5-3 under H.C.C.F. No. Z064160, same being the most Easterly Northeast
5-4 corner of the herein described tract;

5-5 THENCE, S 02° 05' 40" E, a distance of 1,475.48 feet along and
5-6 with the East line of said 328.97 acre tract and the West line of
5-7 said 55.557 acre tract to a 2-inch iron pipe found for the Southwest
5-8 corner of said 55.557 acre tract and the Northwest corner of a
5-9 called 9.316 acre tract of land described in an instrument to Rose
5-10 E. Price and David A. Price filed for record under H.C.C.F. No.
5-11 X561406;

5-12 THENCE, S 07° 16' 57" W, along and with the West line of said
5-13 9.316 acre tract, at a distance of 1,068.19 pass the North
5-14 right-of-way line of said Longenbaugh Road (60-foot width) and
5-15 continuing for a total distance of 1,098.60 feet to a cotton spindle
5-16 found in the centerline of said Longenbaugh Road for the Southwest
5-17 corner of said 9.316 acre tract, same being in the South line of
5-18 said Section 57 and the North line of said Section 58;

5-19 THENCE, S 87° 51' 45" W, a distance of 3,732.47 feet along and
5-20 with the centerline of said Longenbaugh Road, the South line of
5-21 said Section 57 and the North line of said Section 58 to the POINT OF
5-22 BEGINNING and containing 469.8048 acres of land.

5-23 SECTION 3. (a) The legal notice of the intention to
5-24 introduce this Act, setting forth the general substance of this
5-25 Act, has been published as provided by law, and the notice and a
5-26 copy of this Act have been furnished to all persons, agencies,
5-27 officials, or entities to which they are required to be furnished
5-28 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-29 Government Code.

5-30 (b) The governor, one of the required recipients, has
5-31 submitted the notice and Act to the Texas Commission on
5-32 Environmental Quality.

5-33 (c) The Texas Commission on Environmental Quality has filed
5-34 its recommendations relating to this Act with the governor, the
5-35 lieutenant governor, and the speaker of the house of
5-36 representatives within the required time.

5-37 (d) All requirements of the constitution and laws of this
5-38 state and the rules and procedures of the legislature with respect
5-39 to the notice, introduction, and passage of this Act are fulfilled
5-40 and accomplished.

5-41 SECTION 4. (a) If this Act does not receive a two-thirds
5-42 vote of all the members elected to each house, Subchapter C, Chapter
5-43 8453, Special District Local Laws Code, as added by Section 1 of
5-44 this Act, is amended by adding Section 8453.106 to read as follows:

5-45 Sec. 8453.106. NO EMINENT DOMAIN POWER. The district may
5-46 not exercise the power of eminent domain.

5-47 (b) This section is not intended to be an expression of a
5-48 legislative interpretation of the requirements of Subsection (c),
5-49 Section 17, Article I, Texas Constitution.

5-50 SECTION 5. This Act takes effect immediately if it receives
5-51 a vote of two-thirds of all the members elected to each house, as
5-52 provided by Section 39, Article III, Texas Constitution. If this
5-53 Act does not receive the vote necessary for immediate effect, this
5-54 Act takes effect September 1, 2013.

5-55 * * * * *