

By: Taylor

S.B. No. 1841

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Water Control and Improvement District No. 161; granting the power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9047 to read as follows:

CHAPTER 9047. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT  
NO. 161

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9047.001. 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 Water Control and Improvement District No. 161.

Sec. 9047.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9047.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 9047.004. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section 9047.003  
4 until each municipality in whose corporate limits or  
5 extraterritorial jurisdiction the district is located has  
6 consented by ordinance or resolution to the creation of the  
7 district and to the inclusion of land in the district.

8 Sec. 9047.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) The district is created to serve a public purpose and benefit.

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

11 (1) a water control and improvement district as  
12 provided by general law and Section 59, Article XVI, Texas  
13 Constitution; and

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

18 Sec. 9047.006. INITIAL DISTRICT TERRITORY. (a) The  
19 district is initially composed of the territory described by  
20 Section 2 of the Act creating this chapter.

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

25 (1) organization, existence, or validity;

26 (2) right to issue any type of bond for the purposes  
27 for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 Sec. 9047.007. APPLICABILITY OF LAW GOVERNING METROPOLITAN  
5 WATER CONTROL AND IMPROVEMENT DISTRICTS. (a) Except as otherwise  
6 provided by this chapter, Chapter 702 (S.B. 1358), Acts of the 68th  
7 Legislature, Regular Session, 1983 (Article 717r, Vernon's Texas  
8 Civil Statutes), applies to the district.

9 (b) Section 3, Chapter 702 (S.B. 1358), Acts of the 68th  
10 Legislature, Regular Session, 1983 (Article 717r, Vernon's Texas  
11 Civil Statutes), does not apply to the district.

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 9047.051. GOVERNING BODY; TERMS. (a) The district is  
14 governed by a board of five elected directors.

15 (b) Except as provided by Section 9047.052, directors serve  
16 staggered four-year terms.

17 Sec. 9047.052. TEMPORARY DIRECTORS. (a) The temporary  
18 board consists of:

19 (1) Jeff Safe;

20 (2) Katy Walston;

21 (3) Brandon Buell;

22 (4) Bob Mueller; and

23 (5) Chad Meacham.

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

25 (1) the date permanent directors are elected under  
26 Section 9047.003; or

27 (2) the fourth anniversary of the effective date of

1 the Act creating this chapter.

2 (c) If permanent directors have not been elected under  
3 Section 9047.003 and the terms of the temporary directors have  
4 expired, successor temporary directors shall be appointed or  
5 reappointed as provided by Subsection (d) to serve terms that  
6 expire on the earlier of:

7 (1) the date permanent directors are elected under  
8 Section 9047.003; or

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

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

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 9047.101. GENERAL POWERS AND DUTIES. The district has  
20 the powers and duties necessary to accomplish the purposes for  
21 which the district is created.

22 Sec. 9047.102. WATER CONTROL AND IMPROVEMENT DISTRICT  
23 POWERS AND DUTIES. The district has the powers and duties provided  
24 by the general law of this state, including Chapters 49 and 51,  
25 Water Code, applicable to water control and improvement districts  
26 created under Section 59, Article XVI, Texas Constitution.

27 Sec. 9047.103. AUTHORITY FOR ROAD PROJECTS. Under Section

1 52, Article III, Texas Constitution, the district may design,  
2 acquire, construct, finance, issue bonds for, improve, operate,  
3 maintain, and convey to this state, a county, or a municipality for  
4 operation and maintenance macadamized, graveled, or paved roads, or  
5 improvements, including storm drainage, in aid of those roads.

6 Sec. 9047.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
7 road project must meet all applicable construction standards,  
8 zoning and subdivision requirements, and regulations of each  
9 municipality in whose corporate limits or extraterritorial  
10 jurisdiction the road project is located.

11 (b) If a road project is not located in the corporate limits  
12 or extraterritorial jurisdiction of a municipality, the road  
13 project must meet all applicable construction standards, zoning and  
14 subdivision requirements, and regulations of each county in which  
15 the road project is located.

16 (c) If the state will maintain and operate the road, the  
17 Texas Transportation Commission must approve the plans and  
18 specifications of the road project.

19 Sec. 9047.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
20 OR RESOLUTION. The district shall comply with all applicable  
21 requirements of any ordinance or resolution that is adopted by the  
22 City of Houston, Texas, that consents to the creation of the  
23 district or to the inclusion of land in the district.

24 Sec. 9047.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
25 district may not exercise the power of eminent domain outside the  
26 district boundaries to acquire:

27 (1) a site for a water treatment plant, water storage

1 facility, wastewater treatment plant, or wastewater disposal  
2 plant;

3 (2) a site for a park, swimming pool, or other  
4 recreational facility, as defined by Section 49.462, Water Code;

5 (3) an exclusive easement through a county regional  
6 park; or

7 (4) a site or easement for a road project.

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 9047.151. ELECTIONS REGARDING TAXES OR BONDS.

10 (a) The district may issue, without an election, bonds and other  
11 obligations secured by:

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

13 (2) contract payments described by Section 9047.153.

14 (b) The district must hold an election in the manner  
15 provided by Chapters 49 and 51, Water Code, to obtain voter approval  
16 before the district may impose an ad valorem tax or issue bonds  
17 payable from ad valorem taxes.

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

22 Sec. 9047.152. OPERATION AND MAINTENANCE TAX. (a) If  
23 authorized at an election held under Section 9047.151, the district  
24 may impose an operation and maintenance tax on taxable property in  
25 the district in accordance with Section 49.107, Water Code.

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

1       Sec. 9047.153. CONTRACT TAXES. (a) In accordance with  
2 Section 49.108, Water Code, the district may impose a tax other than  
3 an operation and maintenance tax and use the revenue derived from  
4 the tax to make payments under a contract after the provisions of  
5 the contract have been approved by a majority of the district voters  
6 voting at an election held for that purpose.

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

10               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

11       Sec. 9047.201. AUTHORITY TO ISSUE BONDS AND OTHER  
12 OBLIGATIONS. The district may issue bonds or other obligations  
13 payable wholly or partly from ad valorem taxes, impact fees,  
14 revenue, contract payments, grants, or other district money, or any  
15 combination of those sources, to pay for any authorized district  
16 purpose.

17       Sec. 9047.202. TAXES FOR BONDS. At the time the district  
18 issues bonds payable wholly or partly from ad valorem taxes, the  
19 board shall provide for the annual imposition of a continuing  
20 direct ad valorem tax, without limit as to rate or amount, while all  
21 or part of the bonds are outstanding as required and in the manner  
22 provided by Section 51.433, Water Code.

23       Sec. 9047.203. BONDS FOR ROAD PROJECTS. At the time of  
24 issuance, the total principal amount of bonds or other obligations  
25 issued or incurred to finance road projects and payable from ad  
26 valorem taxes may not exceed one-fourth of the assessed value of the  
27 real property in the district.

1 SECTION 2. The Harris County Water Control and Improvement  
2 District No. 161 initially includes all the territory contained in  
3 the following area:

4 Being 411.665 acres of land located in the Sylvester Murphy  
5 League, Abstract 53, William Dobie 1/4 League, Abstract 16 and  
6 James Routh Survey, Abstract 64, Harris County, Texas, more  
7 particularly being all of that certain called 344.69 acre tract  
8 (described herein as Tract 1) conveyed to Clear Dorado Land  
9 Associates, L.P., by instrument of record in File No. 20070394486,  
10 Official Public Records of Real Property, of said Harris County  
11 (H.C.O.P.R.R.P.), and that certain called 66.96 acre tract  
12 (described herein as Tract 2) conveyed to Clear Dorado Land  
13 Associates, L.P., by instrument of record in File No. 20070394486,  
14 and a portion of Clear Lake Substation, a Partial Replat, a  
15 subdivision of record at Film Code No. 350118, Map Records, Harris  
16 County, Texas (H.C.M.R.), said 411.665 acres being more  
17 particularly described in two (2) parts by metes and bounds as  
18 follows (all bearings referenced to the Texas State Plane  
19 Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

20 TRACT 1

21 Beginning at a 5/8-inch iron rod found for the Northeast  
22 corner of Northfork, Section Seven, a subdivision of record under  
23 Film Code No. 374011 of the Harris County Map Records (H.C.M.R),  
24 same being a point on the southeasterly line of a called 50.342 acre  
25 tract reserved by Exxon Corporation as recorded under File No.  
26 P454723 of said H.C.O.P.R.R.P, and being the most westerly corner  
27 of aforementioned 344.69 acre tract;



1           Thence, along the common line of said 50.342 acre tract and  
2 said 344.69 acre tract the following four (4) courses;

3                   1) North 34° 41' 55" East, 115.25 feet to a 5/8-inch  
4 iron rod with cap stamped "SURVCON" found for corner;

5                   2) South 30° 53' 52" East, 3.52 feet to a 5/8-inch iron  
6 rod with cap stamped "SURVCON" found for corner;

7                   3) North 36° 19' 04" East, 1,324.88 feet to a 5/8-inch  
8 iron rod with cap stamped "SURVCON" found for corner;

9                   4) North 35° 33' 30" East, 932.52 feet to a 5/8-inch  
10 iron rod with cap stamped "SURVCON" found for corner, same being the  
11 northwest corner of said 344.69 acre tract;

12           Thence, North 86° 13' 52" East, along the north line of said  
13 344.69 acre tract and departing said common line, a distance of  
14 4,426.85 feet to a 5/8-inch iron rod with cap stamped "SURVCON"  
15 found for corner, same being the northeasterly corner of said  
16 344.69 acre tract;

17           Thence, South 07° 01' 20" West, along the easterly line of  
18 said 344.69 acre tract, 1,326.87 feet to a 5/8-inch iron rod with  
19 cap stamped "SURVCON" found for corner, same being the most  
20 northerly corner of a called 13.815 acre tract reserved by Exxon  
21 Corporation as recorder under File No. P454723 of aforementioned  
22 H.C.O.P.R.R.P;

23           Thence, South 52° 01' 20" West, along the northwesterly line  
24 of said 13.815 acre tract 2,676.23 feet to a 5/8-inch iron rod with  
25 aluminum disc found for corner, same being the southeast corner of  
26 Restricted Reserve "A" as shown on the map of Clear Lake Substation  
27 as recorded under Volume 345, Page 135 of Harris County Map Records;

1           Thence, departing said northwesterly line, along the  
2 easterly, northerly and westerly lines of said Restricted Reserve  
3 "A", the following five (5) courses;

4                   1) North 04° 17' 13" West, 96.15 feet to a 5/8-inch iron  
5 rod with aluminum disc found for corner;

6                   2) South 52° 01' 20" West, 457.57 feet to a 5/8-inch  
7 iron rod with aluminum disc found for corner;

8                   3) North 37° 58' 40" West, 270.00 feet to a 5/8-inch  
9 iron rod with aluminum disc found for corner;

10                  4) South 52° 01' 20" West, 350.00 feet to a 5/8-inch  
11 iron rod found for corner;

12                  5) South 37° 58' 40" East, 350.00 feet to a 5/8-inch  
13 iron rod with aluminum disc found for corner on the aforementioned  
14 northwesterly line of said 13.815 acre tract;

15           Thence, along the northwesterly line of aforementioned  
16 13.815 acre tract the following three (3) courses;

17                   1) South 52° 01' 20" West, 1,423.48 feet to a 5/8-inch  
18 iron rod, found for corner;

19                   2) South 51° 00' 38" West, 1,057.28 feet to a 5/8-inch  
20 iron rod, found for corner;

21                   3) South 53° 12' 58" West, 159.01 feet to a 5/8-inch  
22 iron rod with cap stamped "SURVCON" found for corner, the beginning  
23 of a curve, same being a point on the northeasterly right-of-way  
24 line of Almond Creek Drive (60 feet wide) as shown on Northfork  
25 Section Three, a subdivision of record at film Code No. 357077 of  
26 said Harris County Map Records;

27           Thence 38.01 feet along said existing northeasterly

1 right-of-way line of Almond Creek Drive and along the arc of a  
2 non-tangent curve to the right, having a radius of 570.00 feet, a  
3 central angle of 03° 49' 14" and a chord which bears North 35° 43' 49"  
4 West 38.00 feet to a 5/8-inch iron rod, found for corner;

5 Thence, North 33° 49' 13" West, continuing along said existing  
6 northeasterly right-of-way line to the most southerly corner of Lot  
7 1, Block 4 of Northfork Section Three, 76.16 feet to a 5/8-inch  
8 iron rod, found for corner;

9 Thence, North 51° 00' 33" East, along the southeasterly line  
10 of said Block 4, 732.55 feet to a 5/8-inch iron rod, found for  
11 corner, same being the southeast corner of Northfork Section Five,  
12 a subdivision of record at Film Code No. 371088 of said Harris  
13 County Map Records;

14 Thence, North 30° 56' 29" West, along the northeasterly line  
15 of said Northfork Section Five, passing at 793.92 a found 5/8-inch  
16 iron rod for the common easterly corner of said Northfork Section  
17 Five and aforementioned Northfork Section Seven, continuing in all,  
18 2,682.04 feet to the POINT OF BEGINNING and containing 344.695  
19 acres of land.

20 TRACT 2

21 BEGINNING at a found 5/8-inch iron rod, found for the  
22 northeast corner of aforementioned 66.96 acre tract;

23 Thence, South 07° 01' 17" West, 141.53 feet, to a 5/8-inch  
24 iron rod with cap stamped "LJA ENG", set for corner on the  
25 northwesterly line of Pine Brook Section Nine, a subdivision of  
26 record at Film Code 385128 of said H.C.M.R;

27 Thence, South 52° 01' 20" West, along said northwesterly line

1 of Pine Brook Section Nine, 1,000.00 feet to a point for corner,  
2 from which a found 5/8-inch iron rod bears North 16°52'22" West,  
3 0.47 feet;

4 Thence, South 22° 07' 41" West, 2,004.76 feet to a point for  
5 corner, same being the northeasterly corner of Restricted Reserve  
6 "B", as shown on El Dorado Boulevard Fire Station, a subdivision of  
7 record at Film Code No. 358053 of the Harris County Map Records and  
8 an angle point on the southerly line of said 66.96 acre tract;

9 Thence, along the common line of said Restricted Reserve "B"  
10 and said 66.96 acre tract the following four (4) courses;

11 1) South 63° 49' 46" West, 344.32 feet to a point for  
12 corner, the beginning of a curve;

13 2) 26.43 feet along the arc of a non-tangent curve to  
14 the left, having a radius of 3055.00 feet, a central angle of 00° 29'  
15 44", and a chord which bears South 63°55' 26" West, 26.43 feet to a  
16 point for corner, the beginning of a curve;

17 3) 65.86 feet along the arc of a non-tangent curve to  
18 the left, having a radius of 2075.00 feet, a central angle of 01° 49'  
19 06", and a chord which bears North 35° 26' 45" West, 65.85 feet to a  
20 point for corner, the beginning of a curve;

21 4) 352.28 feet along the arc of a non-tangent curve to  
22 the left, having a radius of 2575.00 feet, a central angle of 07° 50'  
23 18", and a chord which bears North 38° 19' 18" West, 352.00 feet to a  
24 point for corner, the beginning of a curve;

25 Thence, along the northerly line of said Restricted Reserve  
26 "B" and the south line of said 66.96 acre tract, passing at an arc  
27 distance of 25.81 feet the northwesterly corner of said Restricted

1 Reserve "B" and the easterly right-of-way line of said El Dorado  
2 Boulevard, passing at an arc distance of 128.72 feet the westerly  
3 right-of-way line of said El Dorado Boulevard and northeasterly  
4 corner of Restricted Reserve "A" of said El Dorado Boulevard Fire  
5 Station, passing at an arc distance of 502.38 feet the common  
6 northerly corner of said Restricted Reserve "A" and a called  
7 16.0808 acre tract, conveyed to Harris County Flood Control  
8 District at File No. S990332 of the Harris County Official Public  
9 Records of Real Property, and continuing in all, 823.58 feet along  
10 the arc of a non-tangent curve to the left, having a radius of  
11 3465.00 feet, a central angle of  $13^{\circ} 37' 06''$ , and a chord which bears  
12 South  $55^{\circ} 28' 50''$  West, 821.64 feet to a point for corner;

13 Thence, South  $48^{\circ} 40' 17''$  West, along the northerly line of  
14 said 16.0808 acre tract and the south line of said 66.96 acre tract,  
15 100.00 feet to a point for corner, the beginning of a curve;

16 Thence, with the common line of said 16.0808 acre tract and  
17 said 66.96 acre tract, along the arc of a tangent curve to the  
18 right, having a radius of 4,535.00 feet, passing at an arc distance  
19 of 1,186.78 feet the northwest corner of said 16.0808 acre tract and  
20 the northeast corner of Restricted Reserve "B" as shown on  
21 Northfork Section Three, a subdivision of record as shown at Film  
22 Code No. 357077 of the Harris County Map Records, continuing in all  
23 a total arc length of 1,201.84 feet through a central angle of  $15^{\circ}$   
24  $11' 03''$ , and a chord which bears South  $56^{\circ} 15' 49''$  West, 1,198.32  
25 feet to a point for corner;

26 Thence, South  $30^{\circ} 56' 24''$  East, along the westerly line of  
27 said Restricted Reserve "B" 104.90 feet to a point for corner, same

1 being the northerly corner of Lot 9, Block 2 of said Northfork,  
2 Section Three

3 Thence, South  $86^{\circ} 49' 38''$  West, along the northerly line of  
4 said Northfork, Section Three and the most southwesterly line of  
5 aforementioned 66.96 acre tract, 726.08 feet to a point for corner,  
6 same being the northwest corner of Lot 23, Block 2 as shown on said  
7 Northfork, Section Three and a point on the easterly right-of-way  
8 line of Almond Creek Drive, (60 feet wide) as shown on the map of  
9 Northfork, Section Three, a subdivision of record at Film Code  
10 Number 357077, of the Harris County Map Records;

11 Thence, North  $53^{\circ} 17' 55''$  West, along the east right-of-way  
12 line of said Almond Creek Drive and said 66.96 acre tract, 97.01  
13 feet to a point for corner, the beginning of a curve;

14 Thence, along the common line of said Almond Creek Drive and  
15 said 66.96 acre tract, 55.12 feet along the arc of a tangent curve  
16 to the right, having a radius of 570.00 feet, a central angle of  $05^{\circ}$   
17  $32' 27''$ , and a chord which bears North  $50^{\circ} 31' 41''$  West, 55.10 feet  
18 to a point for corner, same being the Northwest corner of said 66.96  
19 acre tract, and a point on the northeasterly right-of-way line of  
20 said Almond Creek Drive, and the most southerly corner of a called  
21 13.815 acre tract reserved by Exxon Corporation as recorded under  
22 File No. P454723 of the Harris County Official Public Records of  
23 Real Property (H.C.O.P.R.R.P);

24 Thence along the southerly line of said 13.815 acre tract and  
25 the north line of said 66.96 acre tract the following three (3)  
26 courses;

27 1) North  $53^{\circ} 12' 58''$  East 150.62 feet to a point for

1 corner;

2           2) Thence, North 51° 00' 38" East, 1,058.39 feet to a  
3 point for corner;

4           3) Thence, North 52° 01' 20" East, 4,753.03 feet to the  
5 POINT OF BEGINNING and containing 66.970 acres of land.

6           Said Tract 1 and Tract 2, containing a total of 411.665 acres  
7 of land.

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

15           (b) The governor, one of the required recipients, has  
16 submitted the notice and Act to the Texas Commission on  
17 Environmental Quality.

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

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

26           SECTION 4. (a) Section 9047.106, Special District Local  
27 Laws Code, as added by Section 1 of this Act, takes effect only if

1 this Act receives a two-thirds vote of all the members elected to  
2 each house.

3 (b) If this Act does not receive a two-thirds vote of all the  
4 members elected to each house, Subchapter C, Chapter 9047, Special  
5 District Local Laws Code, as added by Section 1 of this Act, is  
6 amended by adding Section 9047.106 to read as follows:

7 Sec. 9047.106. NO EMINENT DOMAIN POWER. The district may  
8 not exercise the power of eminent domain.

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

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