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

```
directors as provided by Section 49.102, Water Code.
    Sec. 9047.004. CONSENT OF MUNICIPALITY REQUIRED. The
temporary directors may not hold an election under Section 9047.003
until each municipality in whose corporate limits or
extraterritorial jurisdiction the district is located has
consented by ordinance or resolution to the creation of the
district and to the inclusion of land in the district.
    Sec. 9047.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
(a) The district is created to serve a public purpose and benefit.
    (b) The district is created to accomplish the purposes of:
    (1) a water control and improvement district as
provided by general law and Section 59, Article XVI, Texas
Constitution; and
    (2) Section 52, Article III, Texas Constitution, that
relate to the construction, acquisition, improvement, operation,
or maintenance of macadamized, graveled, or paved roads, or
improvements, including storm drainage, in aid of those roads.
    Sec. 9047.006. INITIAL DISTRICT TERRITORY. (a) The
district is initially composed of the territory described by
Section 2 of the Act creating this chapter.
(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:
(1) organization, existence, or validity;
(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and
```

```
interest on a bond;
    (3) right to impose a tax; or
    (4) legality or operation.
    Sec. 9047.007. APPLICABILITY OF LAW GOVERNING METROPOLITAN
WATER CONTROL AND IMPROVEMENT DISTRICTS. (a) Except as otherwise
provided by this chapter, Chapter 702 (S.B. 1358), Acts of the 68th
Legislature, Regular Session, 1983 (Article 717r, Vernon's Texas
Civil Statutes), applies to the district.
    (b) Section 3, Chapter 702 (S.B. 1358), Acts of the 68th
Legislature, Regular Session, 1983 (Article 717r, Vernon's Texas
Civil Statutes), does not apply to the district.
        SUBCHAPTER B. BOARD OF DIRECTORS
    Sec. 9047.051. GOVERNING BODY; TERMS. (a) The district is
governed by a board of five elected directors.
    (b) Except as provided by Section 9047.052, directors serve
staggered four-year terms.
    Sec. 9047.052. TEMPORARY DIRECTORS. (a) The temporary
board consists of:
    (1) Jeff Safe;
            (2) Katy Walston;
            (3) Brandon Buell;
            (4) Bob Mueller; and
            (5) Chad Meacham.
            (b) Temporary directors serve until the earlier of:
            (1) the date permanent directors are elected under
Section 9047.003; or
    (2) the fourth anniversary of the effective date of
```

```
the Act creating this chapter.
    (c) If permanent directors have not been elected under
Section 9047.003 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 9047.003; or
    (2) the fourth anniversary of the date of the
appointment or reappointment.
    (d) If Subsection (c) applies, the owner or owners of a
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 successor temporary directors the five
persons named in the petition. The commission shall appoint as
successor temporary directors the five persons named in the
petition.
            SUBCHAPTER C. POWERS AND DUTIES
    Sec. 9047.101. GENERAL POWERS AND DUTIES. The district has
the powers and duties necessary to accomplish the purposes for
which the district is created.
Sec. 9047.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.
Sec. 9047.103. AUTHORITY FOR ROAD PROJECTS. Under Section
```

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

Sec. 9047.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.
(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the road project is located.
(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

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

Sec. 9047.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district boundaries to acquire:
(1) a site for a water treatment plant, water storage

```
facility, wastewater treatment plant, or wastewater disposal
plant;
    (2) a site for a park, swimming pool, or other
```

recreational facility, as defined by Section 49.462, Water Code;
(3) an exclusive easement through a county regional
park; or
(4) a site or easement for a road project.
SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
Sec. 9047.151. ELECTIONS REGARDING TAXES OR BONDS.
(a) The district may issue, without an election, bonds and other
obligations secured by:
(1) revenue other than ad valorem taxes; or
(2) contract payments described by Section 9047.153.
(b) The district must hold an election in the manner
provided by Chapters 49 and 51, Water Code, to obtain voter approval
before the district may impose an ad valorem tax or issue bonds
payable from ad valorem taxes.
(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 9047.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9047.151 , the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.
(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 9047.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.
(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

> SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

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

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

TRACT 1
Beginning at a 5/8-inch iron rod found for the Northeast corner of Northfork, Section Seven, a subdivision of record under Film Code No. 374011 of the Harris County Map Records (H.C.M.R), same being a point on the southeasterly line of a called 50.342 acre tract reserved by Exxon Corporation as recorded under File No. P454723 of said H.C.O.P.R.R.P, and being the most westerly corner of aforementioned 344.69 acre tract

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

1) North $34^{\circ} 41^{\prime} 55^{\prime \prime}$ East, 115.25 feet to a 5/8-inch iron rod with cap stamped "SURVCON" found for corner;
2) South $30^{\circ} 53^{\prime} 52^{\prime \prime}$ East, 3.52 feet to a 5/8-inch iron rod with cap stamped "SURVCON" found for corner;
3) North $36^{\circ} 19^{\prime} 04^{\prime \prime}$ East, 1,324.88 feet to a 5/8-inch iron rod with cap stamped "SURVCON" found for corner;
4) North $35^{\circ} 33^{\prime} 30^{\prime \prime}$ East, 932.52 feet to a 5/8-inch iron rod with cap stamped "SURVCON" found for corner, same being the northwest corner of said 344.69 acre tract;

Thence, North $86^{\circ} 13^{\prime} 52^{\prime \prime}$ East, along the north line of said 344.69 acre tract and departing said common line, a distance of $4,426.85$ feet to a $5 / 8$-inch iron rod with cap stamped "SURVCON" found for corner, same being the northeasterly corner of said 344.69 acre tract;

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

Thence, South 52 0 $1^{\prime}$ 20" West, along the northwesterly line of said 13.815 acre tract $2,676.23$ feet to a $5 / 8$-inch iron rod with aluminum disc found for corner, same being the southeast corner of Restricted Reserve "A" as shown on the map of Clear Lake Substation as recorded under Volume 345, Page 135 of Harris County Map Records;

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

1) North 0417' $13^{\prime \prime}$ West, 96.15 feet to a 5/8-inch iron rod with aluminum disc found for corner;
2) South 52ㅇ́' 20" West, 457.57 feet to a $5 / 8$-inch iron rod with aluminum disc found for corner;
3) North $37^{\circ} 58^{\prime} 40^{\prime \prime}$ West, 270.00 feet to a $5 / 8$-inch iron rod with aluminum disc found for corner;
4) South 5201' $20^{\prime \prime}$ West, 350.00 feet to a $5 / 8$-inch iron rod found for corner;
5) South $37^{\circ} 58^{\prime} 40^{\prime \prime}$ East, 350.00 feet to a 5/8-inch iron rod with aluminum disc found for corner on the aforementioned northwesterly line of said 13.815 acre tract;

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

1) South $52^{\circ} 01^{\prime} 20^{\prime \prime}$ West, 1,423.48 feet to a 5/8-inch iron rod, found for corner;
2) South 51 $00^{\prime} 38^{\prime \prime}$ West, 1,057.28 feet to a 5/8-inch iron rod, found for corner;
3) South 53 $12^{\prime} 5^{\prime \prime}$ West, 159.01 feet to a 5/8-inch iron rod with cap stamped "SURVCON" found for corner, the beginning of a curve, same being a point on the northeasterly right-of-way line of Almond Creek Drive ( 60 feet wide) as shown on Northfork Section Three, a subdivision of record at film Code No. 357077 of said Harris County Map Records;

Thence 38.01 feet along said existing northeasterly
right-of-way line of Almond Creek Drive and along the arc of a non-tangent curve to the right, having a radius of 570.00 feet, a central angle of $03^{\circ} 49^{\prime} 14^{\prime \prime}$ and a chord which bears North $35^{\circ} 43^{\prime} 49^{\prime \prime}$ West 38.00 feet to a 5/8-inch iron rod, found for corner;

Thence, North $33^{\circ} 49^{\prime} 13^{\prime \prime}$ West, continuing along said existing northeasterly right-of-way line to the most southerly corner of Lot 1, Block 4 of Northfork Section Three, 76.16 feet to a 5/8-inch iron rod, found for corner;

Thence, North 510' $03^{\prime \prime}$ East, along the southeasterly line of said Block 4, 732.55 feet to a $5 / 8$-inch iron rod, found for corner, same being the southeast corner of Northfork Section Five, a subdivision of record at Film Code No. 371088 of said Harris County Map Records;

Thence, North $30^{\circ} 56^{\prime}$ 29" West, along the northeasterly line of said Northfork Section Five, passing at 793.92 a found $5 / 8$-inch iron rod for the common easterly corner of said Northfork Section Five and aforementioned Northfork Section Seven, continuing in all, 2,682.04 feet to the POINT OF BEGINNING and containing 344.695 acres of land.

TRACT 2
BEGINNING at a found 5/8-inch iron rod, found for the northeast corner of aforementioned 66.96 acre tract;

Thence, South 0701' 17" West, 141.53 feet, to a 5/8-inch iron rod with cap stamped "LJA ENG", set for corner on the northwesterly line of Pine Brook Section Nine, a subdivision of record at Film Code 385128 of said H.C.M.R;

Thence, South 5201' $20^{\prime \prime}$ West, along said northwesterly line
of Pine Brook Section Nine, 1,000.00 feet to a point for corner, from which a found 5/8-inch iron rod bears North 1652'22" West, 0.47 feet;

Thence, South $22^{\circ} 07^{\prime} 41^{\prime \prime}$ West, 2,004.76 feet to a point for corner, same being the northeasterly corner of Restricted Reserve "B", as shown on El Dorado Boulevard Fire Station, a subdivision of record at Film Code No. 358053 of the Harris County Map Records and an angle point on the southerly line of said 66.96 acre tract;

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

1) South 63 $49^{\prime} 46^{\prime \prime}$ West, 344.32 feet to a point for corner, the beginning of a curve;
2) 26.43 feet along the arc of a non-tangent curve to the left, having a radius of 3055.00 feet, a central angle of $00^{\circ} 29^{\prime}$ 44", and a chord which bears South 635 ' $26^{\prime \prime}$ West, 26.43 feet to a point for corner, the beginning of a curve;
3) 65.86 feet along the arc of a non-tangent curve to the left, having a radius of 2075.00 feet, a central angle of 01* 49' 06", and a chord which bears North $35^{\circ} 26^{\prime} 45^{\prime \prime}$ West, 65.85 feet to a point for corner, the beginning of a curve;
4) 352.28 feet along the arc of a non-tangent curve to the left, having a radius of 2575.00 feet, a central angle of $07^{\circ} 50^{\prime}$ 18", and a chord which bears North $38^{\circ} 19^{\prime} 18^{\prime \prime}$ West, 352.00 feet to a point for corner, the beginning of a curve;

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

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

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

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

Thence, South $30^{\circ} 56^{\prime} 24^{\prime \prime}$ East, along the westerly line of said Restricted Reserve "B" 104.90 feet to a point for corner, same
being the northerly corner of Lot 9, Block 2 of said Northfork, Section Three

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

Thence, North 53 $17^{\prime} 5^{\prime \prime}$ West, along the east right-of-way line of said Almond Creek Drive and said 66.96 acre tract, 97.01 feet to a point for corner, the beginning of a curve;

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

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

1) North $53^{\circ} 12^{\prime} 58^{\prime \prime}$ East 150.62 feet to a point for
```
corner;
2) Thence, North \(51^{\circ} 00^{\prime} 38^{\prime \prime}\) East, \(1,058.39\) feet to a
``` point for corner;
3) Thence, North \(52^{\circ} 01^{\prime} 20^{\prime \prime}\) East, 4,753.03 feet to the POINT OF BEGINNING and containing 66.970 acres of land.

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

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.
(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.
(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.
(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

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

Sec. 9047.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.
(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Subsection (c), Section 17, Article I, Texas Constitution.

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


Secretary of the Senate
I hereby certify that S.B. No. 1841 passed the House on May 20, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor```

