1	AN ACT
2	relating to the creation of the Harris County Water Control and
3	Improvement District No. 161; granting the power of eminent domain;
4	providing authority to issue bonds; providing authority to impose
5	assessments, fees, or taxes.
6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
7	SECTION 1. Subtitle I, Title 6, Special District Local Laws
8	Code, is amended by adding Chapter 9047 to read as follows:
9	CHAPTER 9047. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
10	<u>NO. 161</u>
11	SUBCHAPTER A. GENERAL PROVISIONS
12	Sec. 9047.001. DEFINITIONS. In this chapter:
13	(1) "Board" means the district's board of directors.
14	(2) "Commission" means the Texas Commission on
15	Environmental Quality.
16	(3) "Director" means a board member.
17	(4) "District" means the Harris County Water Control
18	and Improvement District No. 161.
19	Sec. 9047.002. NATURE OF DISTRICT. The district is a water
20	control and improvement district created under Section 59, Article
21	XVI, Texas Constitution.
22	Sec. 9047.003. CONFIRMATION AND DIRECTORS' ELECTION
23	REQUIRED. The temporary directors shall hold an election to
24	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 until each municipality in whose corporate limits 4 or extraterritorial jurisdiction the district is located 5 has consented by ordinance or resolution to the creation of 6 the 7 district and to the inclusion of land in the district.

8 <u>Sec. 9047.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.</u> 9 <u>(a) The district is created to serve a public purpose and benefit.</u> 10 <u>(b) The district is created to accomplish the purposes of:</u>

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

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

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	<u>Civil Statutes</u>), 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	<u>Civil Statutes</u>), 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.

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

6 <u>Sec. 9047.104. ROAD STANDARDS AND REQUIREMENTS.</u> (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 <u>Sec. 9047.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE</u>
20 <u>OR RESOLUTION. The district shall comply with all applicable</u>
21 <u>requirements of any ordinance or resolution that is adopted by the</u>
22 <u>City of Houston, Texas, that consents to the creation of the</u>
23 <u>district or to the inclusion of land in the district.</u>

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

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

1	facility, wastewater treatment plant, or wastewater disposal
2	<pre>plant;</pre>
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.

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.

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

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

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

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

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

20 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;

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;

North 36° 19' 04" East, 1,324.88 feet to a 5/8-inch
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;

Thence, North 86° 13' 52" 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° 01' 20" 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° 01' 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;

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;

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;

5) South 37° 58' 40" 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;

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

South 52° 01' 20" West, 1,423.48 feet to a 5/8-inch
 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;

3) South 53° 12' 58" 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;

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;

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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;

Thence, North 30° 56' 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.

20 <u>TRACT 2</u>

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

Thence, South 07° 01' 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;

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;

Thence, South 22° 07' 41" 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;

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

South 63° 49' 46" West, 344.32 feet to a point for
 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;

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° 26' 45" 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° 50' 18", and a chord which bears North 38° 19' 18" 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 1 2 Boulevard, passing at an arc distance of 128.72 feet the westerly right-of-way line of said El Dorado Boulevard and northeasterly 3 corner of Restricted Reserve "A" of said El Dorado Boulevard Fire 4 Station, passing at an arc distance of 502.38 feet the common 5 northerly corner of said Restricted Reserve "A" and a called 6 7 16.0808 acre tract, conveyed to Harris County Flood Control District at File No. S990332 of the Harris County Official Public 8 Records of Real Property, and continuing in all, 823.58 feet along 9 the arc of a non-tangent curve to the left, having a radius of 10 11 3465.00 feet, a central angle of 13° 37' 06", and a chord which bears South 55° 28' 50" West, 821.64 feet to a point for corner; 12

13 Thence, South 48° 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 said 66.96 acre tract, along the arc of a tangent curve to the 17 right, having a radius of 4,535.00 feet, passing at an arc distance 18 of 1,186.78 feet the nortwest corner of said 16.0808 acre tract and 19 20 the northeast corner of Restricted Reserve "B" as shown on Northfork Section Three, a subdivision of record as shown at Film 21 Code No. 357077 of the Harris County Map Records, continuing in all 22 a total arc length of 1,201.84 feet through a central angle of 15° 23 11' 03", and a chord which bears South 56° 15' 49" West, 1,198.32 24 feet to a point for corner; 25

Thence, South 30° 56' 24" 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° 49' 38" West, along the northerly line of 3 4 said Northfork, Section Three and the most southwesterly line of aforementioned 66.96 acre tract, 726.08 feet to a point for corner, 5 same being the northwest corner of Lot 23, Block 2 as shown on said 6 7 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 8 9 Northfork, Section Three, a subdivision of record at Film Code Number 357077, of the Harris County Map Records; 10

Thence, North 53° 17' 55" 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 14 15 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° 16 32' 27", and a chord which bears North 50° 31' 41" West, 55.10 feet 17 to a point for corner, same being the Northwest corner of said 66.96 18 acre tract, and a point on the northeasterly right-of-way line of 19 20 said Almond Creek Drive, and the most southerly corner of a called 13.815 acre tract reserved by Exxon Corporation as recorded under 21 22 File No. P454723 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P); 23

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;

27

1) North 53° 12' 58" East 150.62 feet to a point for

1 corner;

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

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

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

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

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Province Provinc

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

(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.

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:

Sec. 9047.106. NO EMINENT DOMAIN POWER. The district may
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.

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.

President of the Senate Speaker of the House I hereby certify that S.B. No. 1841 passed the Senate on April 25, 2013, by the following vote: Yeas 30, Nays 0.

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 O, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor