

By: Huffman

S.B. No. 1859

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 529; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8444 to read as follows:

CHAPTER 8444. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 529

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8444.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris County Municipal Utility District No. 529.

Sec. 8444.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8444.003. 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.

1 Sec. 8444.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8444.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8444.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

9 (b) The district is created to accomplish the purposes of a
10 municipal utility district as provided by general law and Section
11 59, Article XVI, Texas Constitution.

12 Sec. 8444.006. INITIAL DISTRICT TERRITORY. (a) The
13 district is initially composed of the territory described by
14 Section 2 of the Act enacting this chapter.

15 (b) The boundaries and field notes contained in Section 2 of
16 the Act enacting this chapter form a closure. A mistake made in the
17 field notes or in copying the field notes in the legislative process
18 does not affect the district's:

19 (1) organization, existence, or validity;

20 (2) right to issue any type of bond for the purposes
21 for which the district is created or to pay the principal of and
22 interest on a bond;

23 (3) right to impose a tax; or

24 (4) legality or operation.

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 8444.051. GOVERNING BODY; TERMS. (a) The district is
27 governed by a board of five elected directors.

1 (b) Except as provided by Section 8444.052, directors serve
2 staggered four-year terms.

3 Sec. 8444.052. TEMPORARY DIRECTORS. (a) The temporary
4 board consists of:

5 (1) Joseph Forrester;

6 (2) Eric Willis;

7 (3) George Kaleh;

8 (4) Jennifer Montgomery; and

9 (5) Dan Quinlan.

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

11 (1) the date permanent directors are elected under
12 Section 8444.003; or

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

15 (c) If permanent directors have not been elected under
16 Section 8444.003 and the terms of the temporary directors have
17 expired, successor temporary directors shall be appointed or
18 reappointed as provided by Subsection (d) to serve terms that
19 expire on the earlier of:

20 (1) the date permanent directors are elected under
21 Section 8444.003; or

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

24 (d) If Subsection (c) applies, the owner or owners of a
25 majority of the assessed value of the real property in the district
26 may submit a petition to the commission requesting that the
27 commission appoint as successor temporary directors the five

1 persons named in the petition. The commission shall appoint as
2 successor temporary directors the five persons named in the
3 petition.

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8444.101. GENERAL POWERS AND DUTIES. The district has
6 the powers and duties necessary to accomplish the purposes for
7 which the district is created.

8 Sec. 8444.102. MUNICIPAL UTILITY DISTRICT POWERS AND
9 DUTIES. The district has the powers and duties provided by the
10 general law of this state, including Chapters 49 and 54, Water Code,
11 applicable to municipal utility districts created under Section 59,
12 Article XVI, Texas Constitution.

13 Sec. 8444.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
14 OR RESOLUTION. The district shall comply with all applicable
15 requirements of any ordinance or resolution that is adopted under
16 Section 54.016 or 54.0165, Water Code, and that consents to the
17 creation of the district or to the inclusion of land in the
18 district.

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8444.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

24 (2) contract payments described by Section 8444.153.

25 (b) The district must hold an election in the manner
26 provided by Chapters 49 and 54, Water Code, to obtain voter approval
27 before the district may impose an ad valorem tax or issue bonds

1 payable from ad valorem taxes.

2 Sec. 8444.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8444.151, the district
4 may impose an operation and maintenance tax on taxable property in
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 8444.153. CONTRACT TAXES. (a) In accordance with
9 Section 49.108, Water Code, the district may impose a tax other than
10 an operation and maintenance tax and use the revenue derived from
11 the tax to make payments under a contract after the provisions of
12 the contract have been approved by a majority of the district voters
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8444.201. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,
21 revenue, contract payments, grants, or other district money, or any
22 combination of those sources, to pay for any authorized district
23 purpose.

24 Sec. 8444.202. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner
2 provided by Sections 54.601 and 54.602, Water Code.

3 SECTION 2. The Harris County Municipal Utility District No.
4 529 initially includes all the territory contained in the following
5 area:

6 TRACT 1

7 BEING a 54.22 acre tract of land situated in the Joel Wheaton
8 Survey, A-80, City of Houston, Harris County, Texas, being out of
9 Lot 3 of Bringhurst Subdivision an unrecorded subdivision and being
10 all or part of the following ten (10) tracts of land: a called
11 18.4965 acre tract described and recorded under Harris County
12 Clerk's File Number (H.C.C.F. No.) V502562, a called 2.9313 acre
13 tract described and recorded under H.C.C.F. No. Z195460, a called
14 2.9228 acre tract described and recorded under H.C.C.F. No.
15 Z162927, a called 3.5932 acre tract described as Tract 1, a called
16 3.000 acre tract described as Tract 2, a called 4.0403 acre tract
17 described as Tract 4 all three recorded under H.C.C.F. No. Z167404,
18 a called 8.211 acre tract described and recorded under H.C.C.F. No.
19 Z023414, a called 3.4341 acre tract described and recorded under
20 H.C.C.F. No. V374135, a called 8.2113 acre tract described and
21 recorded under H.C.C.F. No. Y751625 and a called 3.4341 acre tract
22 described and recorded under H.C.C.F. No. Z023415, said 54.22 acre
23 tract being more particularly described by metes and bounds as
24 follows;

25 BEGINNING at a 3/4-inch iron pipe found for the southwest
26 corner of said 18.4965 acre tract and the southeast corner of a
27 called 21.8525 acre tract described and recorded under H.C.C.F. No.

1 20110402697 and being in the northern right-of-way line of
2 Westheimer Road (120-foot wide) as shown on the plat recorded in
3 Volume 331, Page 4 of the Harris County Map Records (H.C.M.R.)

4 THENCE, N 01° 42' 00" W, a distance of 2,092.45 feet (Called
5 SOUTH 2092.35 feet per H.C.C.F. No. V502562) along the line common
6 to said 18.4965 acre tract and said 21.8525 acre tract to a 3/4-inch
7 iron rod found for the most southerly southwest corner of LAKES OF
8 PARKWAY SEC. 17 as shown on the plat recorded at Film Code No.
9 563202 of the H.C.M.R. and being the northwest corner of the herein
10 described tract;

11 THENCE, N 87° 24' 19" E, a distance of 502.67 feet (Called S
12 89°05'17" W 502.62 feet per H.C.C.F. No. V502562) along the line
13 common to said 18.4965 acre tract and said LAKES OF PARKWAY SEC. 17
14 and LAKES OF PARKWAY SEC. 14 as shown on the plat recorded at Film
15 Code No. 540188 of the H.C.M.R. to a 1/2-inch iron pipe with cap
16 stamped BROWN & GAY set for the northeast corner of said 18.4965
17 acre tract and being in the west line of said called 8.2113 acre
18 tract described and recorded under H.C.C.F. No. Y751625;

19 THENCE, N 02° 05' 46" W, a distance of 515.73 feet (Called N
20 00°05'15" E per H.C.C.F. No. Y751625) along the line common to said
21 8.2113 acre tract and said LAKES OF PARKWAY SEC. 14 to a 5/8-inch
22 iron rod found for the southwest corner of SAN BRISAS APARTMENTS
23 REPLAT NO. 1 as shown on the plat recorded at Film Code No. 571150 of
24 the H.C.M.R.;

25 THENCE, N 87° 55' 42" E, a distance of 448.11 feet (Called S
26 89°53'17" E 448.11 feet per H.C.C.F. No. Y751625) along the line
27 common to said 8.2113 acre tract and said SAN BRISAS APARTMENTS

1 REPLAT NO. 1 to a 5/8-inch iron rod found for corner and being in the
2 west line of said called 3.4341 acre tract described and recorded
3 under H.C.C.F. No. Z023415;

4 THENCE, N 02° 04' 17" W, a distance of 136.30 feet along the
5 line common to said 3.4341 acre tract and said SAN BRISAS APARTMENTS
6 REPLAT NO. 1 to a 5/8-inch iron rod with cap stamped EHRA
7 713-784-4500 found for the southwest corner of a called 1.0000 acre
8 tract described and recorded under H.C.C.F. No. U668014 and the
9 northwest corner of said 3.4341 acre tract;

10 THENCE, N 87° 29' 27" E, a distance of 520.39 feet (Called N
11 89°42'32" E 520.60 feet per H.C.C.F. No. Z023415) along the line
12 common to said 3.4341 acre tract and said 1.0000 acre tract to a
13 5/8-inch iron rod with cap stamped EHRA 713-784-4500 found for the
14 common eastern corners of said tracts and being in the west line of
15 RORICK PLACE as shown on the plat recorded at Film Code No. 468117
16 of the H.C.M.R.;

17 THENCE, S 02° 07' 56" E, a distance of 287.70 feet (Called S
18 00°02'40" W 287.26 feet per H.C.C.F. No. Z023415) along the line
19 common to said 3.4341 acre tract and said RORICK PLACE and ELDRIDGE
20 LAND, LLC as shown on the plat recorded at Film Code No. 456014 of
21 the H.C.M.R. to a 5/8-inch iron rod found for the southeast corner
22 of said 3.4341 acre tract and being in the north line of ELDRIDGE
23 APARTMENTS as shown on the plat recorded at Film Code No. 522292 of
24 the H.C.M.R.;

25 THENCE, S 87° 32' 02" W, a distance of 520.69 feet (Called S
26 89°42'32" W 520.93 feet per H.C.C.F. No. Z023415) along the line
27 common to said 3.4341 acre tract and said ELDRIDGE APARTMENTS to a

1 1/2-inch iron pipe with cap stamped BROWN & GAY set for an interior
2 ell corner of the herein described tract and being in the east line
3 of the afore mentioned 8.2113 acre tract;

4 THENCE, S 02° 04' 17" E, a distance of 573.71 feet (Called S
5 00°06'43" W per H.C.C.F. No. Y751625) along the line common to said
6 8.2113 acre tract and said ELDRIDGE APARTMENTS to a Nail with shiner
7 found for the northwest corner of said 3.4341 acre tract described
8 and recorded under H.C.C.F. No. V374135;

9 THENCE, N 87° 32' 02" E, a distance of 521.29 feet (Called N
10 89°42'32" E 521.61 feet per H.C.C.F. No. V374135) along the line
11 common to said 3.4341 acre tract and said ELDRIDGE APARTMENTS to a
12 1/2-inch iron rod found for the northeast corner of said 3.4341 acre
13 tract and being in the west line of Rincon Drive (60-foot wide) as
14 shown on the plat recorded at Film Code No. 408056 of the H.C.M.R.;

15 THENCE, S 02° 07' 48" E, a distance of 286.10 feet (Called S
16 00°02'40" W 286.70 feet per H.C.C.F. No. V374135) along the east
17 line of said 3.4341 acre tract and the west line of said Rincon
18 Drive and the west line of CONCIERGE CARE PARTIAL REPLAT as shown on
19 the plat recorded at Film Code No. 421008 of the H.C.M.R. to a
20 5/8-inch iron rod found for the northeast corner of a called 3.4341
21 acre tract described and recorded under H.C.C.F. No. X753041;

22 THENCE, S 87° 31' 32" W, a distance of 521.58 feet (Called S
23 89°42'32" W 521.95 feet per H.C.C.F. No. V374135) along the line
24 common to the two said 3.4341 acre tracts to a 1/2-inch iron pipe
25 with cap stamped BROWN & GAY set for the west corner common to said
26 3.4341 acre tracts and being in the east line of said called 8.211
27 acre tract described and recorded under H.C.C.F. No. Z023414;

1 THENCE, S 02° 04' 17" E, a distance of 579.26 feet (Called S
2 00°06'43" W per H.C.C.F. No. Z023414) along the line common to said
3 8.211 acre tract and said 3.4341 acre tract and a called 3.433 acre
4 tract to a 1/2-inch iron pipe with cap stamped BROWN & GAY set for
5 the southeast corner of said 8.211 acre tract and being in the north
6 line of said called 4.0403 acre tract described and recorded under
7 H.C.C.F. No. Z167404;

8 THENCE, S 04° 05' 23" E, a distance of 27.97 feet to a MAG Nail
9 in asphalt road found for the northwest corner of a called 3.59 acre
10 tract described and recorded under H.C.C.F. No. 20100549644;

11 THENCE, S 01° 59' 03" E, a distance of 330.00 feet (Called S
12 00°41'03" W 330.01 feet per H.C.C.F. No. Z167404) along the line
13 common to said 3.59 acre tract and said 4.0403 acre tract to a MAG
14 Nail found in asphalt road for the southwest corner of said 3.59
15 acre tract and southeast corner of said 4.0403 acre tract;

16 THENCE, S 87° 25' 08" W, a distance of 20.00 feet to a 5/8-inch
17 iron rod with cap stamped BENCHMARK ENGR. found for the northeast
18 corner of said 3.000 acre tract;

19 THENCE, S 01° 59' 03" E, a distance of 305.61 feet (Called S
20 00°41'03" W 305.62 feet per H.C.C.F. No. Z167404) along the east
21 line of said 3.000 acre tract to 1/2-inch iron pipe with cap stamped
22 BROWN & GAY set for the southeast corner of said 3.000 acre tract;

23 THENCE, N 87° 25' 08" E, a distance of 20.00 feet to a MAG Nail
24 found in asphalt road for the northeast corner of said 3.5932 acre
25 tract;

26 THENCE, S 01° 59' 03" E, a distance of 101.16 feet (Called S
27 00° 41' 03" W, per H.C.C.F. No. Z167404) along the line common to

1 said 3.5932 acre tract and a called 2.8470 acre tract described as
2 Tract III and a called 0.7462 acre tract described as Tract II, both
3 recorded under H.C.C.F. No. 20090486602 to a 1/2-inch iron pipe
4 with cap stamped BROWN & GAY set for the southeast corner of the
5 herein described tract;

6 THENCE, S 87° 27' 48" W, a distance of 659.02 feet over and
7 across said 3.5932 acre tract and said 2.9228 acre tract to a
8 1/2-inch iron pipe with cap stamped BROWN & GAY set for corner;

9 THENCE, S 02° 21' 27" E, a distance of 250.00 feet (Called N
10 00° 30' 35" E, per H.C.C.F. No. Z162927) to a 5/8-inch iron rod found
11 for the southwest corner of said 2.9228 acre tract and the southeast
12 corner of a called 2.9313 acre tract described and recorded under
13 H.C.C.F. No. Z195460 and being in the northern right-of-way line of
14 said Westheimer Road;

15 THENCE, S 87° 27' 48" W, a distance of 306.23 feet (Called N
16 89°11'42" E per H.C.C.F. No. V502562) along the northern
17 right-of-way line of said Westheimer Road to the POINT OF BEGINNING
18 and containing 54.22 acres of land.

19 TRACT 2

20 A METES AND BOUNDS description of a certain 38.83 acre tract
21 of land situated in the Joel Wheaton Survey, Abstract No. 80 in
22 Harris County, Texas; being a portion of a called 67.8 acre tract
23 conveyed to The Restelle Company by Instruments recorded in Clerks
24 File Nos G898468 and G898470, both of the Harris County Official
25 Public Records of Real Property; said 38.83 acre tract being more
26 particularly described as follows with all bearings being based on
27 the Texas Coordinate System, South Central Zone, NAD 83:

1 BEGINNING at a 5/8-inch iron rod found being the southeast
2 corner of Westheimer At Eldridge Center recorded in Film Code No.
3 388053, Harris County Map Records, also being in the north
4 right-of-way of Westheimer Road (based on a width of 120 feet);

5 THENCE, North 01°58'37" West, 3017.39 feet to a 5/8-inch iron
6 rod (with cap stamped "Cotton Surveying") set being in the east line
7 of Replat Parkway Plaza Section Two recorded in Film Code No.
8 355131, Harris County Map Records;

9 THENCE, North 88°01'23" East, 855.00 feet over and across said
10 67.8 acre tract to a 5/8-inch iron rod (with cap stamped "Cotton
11 Surveying") set being in the west line of Gentryside Townhomes
12 recorded in Film Code No. 515264, Harris County Map Records;

13 THENCE, South 01°44'06" East, 851.35 feet to a 5/8-inch iron
14 rod (with cap stamped "Cotton Surveying") set being the southwest
15 corner of Lot 8, Block 6, out of Reflections Section 1 recorded in
16 Volume 293, Page 102, Harris County Map Records;

17 THENCE, South 87°23'56" West, 399.90 feet to a 5/8-inch iron
18 rod (with cap stamped "Cotton Surveying") set being the northwest
19 corner of Lot 1, Block 6 out of said Reflections Section 1;

20 THENCE, South 01°39'27" East, 2157.43 feet to a 5/8-inch iron
21 rod (with cap stamped "Cotton Surveying") set being the southwest
22 corner of Reserve "A" out of said Reflections Section 1, also being
23 in the aforementioned north right-of-way;

24 THENCE, South 87°27'49" West, 439.52 feet to the POINT OF
25 BEGINNING, CONTAINING 38.83 acres of land in Harris County, Texas
26 as shown on Drawing No. 7859 (OS) A in the office of Cotton
27 Surveying Company in Houston, Texas.

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

8 (b) The governor, one of the required recipients, has
9 submitted the notice and Act to the Texas Commission on
10 Environmental Quality.

11 (c) The Texas Commission on Environmental Quality has filed
12 its recommendations relating to this Act with the governor, the
13 lieutenant governor, and the speaker of the house of
14 representatives within the required time.

15 (d) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act are fulfilled
18 and accomplished.

19 SECTION 4. (a) If this Act does not receive a two-thirds
20 vote of all the members elected to each house, Subchapter C, Chapter
21 8444, Special District Local Laws Code, as added by Section 1 of
22 this Act, is amended by adding Section 8444.104 to read as follows:

23 Sec. 8444.104. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

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

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