

1-1 By: Huffman S.B. No. 1859
 1-2 (In the Senate - Filed March 27, 2013; April 2, 2013, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 22, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; April 22, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

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

1-15 relating to the creation of the Harris County Municipal Utility
 1-16 District No. 529; granting a limited power of eminent domain;
 1-17 providing authority to issue bonds; providing authority to impose
 1-18 assessments, fees, and taxes.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-20 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-21 Code, is amended by adding Chapter 8444 to read as follows:

1-22 CHAPTER 8444. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 529

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 8444.001. DEFINITIONS. In this chapter:

1-25 (1) "Board" means the district's board of directors.
 1-26 (2) "Commission" means the Texas Commission on
 1-27 Environmental Quality.

1-28 (3) "Director" means a board member.

1-29 (4) "District" means the Harris County Municipal
 1-30 Utility District No. 529.

1-31 Sec. 8444.002. NATURE OF DISTRICT. The district is a
 1-32 municipal utility district created under Section 59, Article XVI,
 1-33 Texas Constitution.

1-34 Sec. 8444.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-35 REQUIRED. The temporary directors shall hold an election to
 1-36 confirm the creation of the district and to elect five permanent
 1-37 directors as provided by Section 49.102, Water Code.

1-38 Sec. 8444.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-39 temporary directors may not hold an election under Section 8444.003
 1-40 until each municipality in whose corporate limits or
 1-41 extraterritorial jurisdiction the district is located has
 1-42 consented by ordinance or resolution to the creation of the
 1-43 district and to the inclusion of land in the district.

1-44 Sec. 8444.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-45 (a) The district is created to serve a public purpose and benefit.

1-46 (b) The district is created to accomplish the purposes of a
 1-47 municipal utility district as provided by general law and Section
 1-48 59, Article XVI, Texas Constitution.

1-49 Sec. 8444.006. INITIAL DISTRICT TERRITORY. (a) The
 1-50 district is initially composed of the territory described by
 1-51 Section 2 of the Act enacting this chapter.

1-52 (b) The boundaries and field notes contained in Section 2 of
 1-53 the Act enacting this chapter form a closure. A mistake made in the
 1-54 field notes or in copying the field notes in the legislative process
 1-55 does not affect the district's:

1-56 (1) organization, existence, or validity;

1-57 (2) right to issue any type of bond for the purposes
 1-58 for which the district is created or to pay the principal of and
 1-59 interest on a bond;

1-60 (3) right to impose a tax; or

1-61 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

(1) Joseph Forrester;

(2) Eric Willis;

(3) George Kaleh;

(4) Jennifer Montgomery; and

(5) Dan Quinlan.

(b) Temporary directors serve until the earlier of:

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

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

(c) If permanent directors have not been elected under Section 8444.003 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 8444.003; 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. 8444.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

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

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8444.151. 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 8444.153.

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

Sec. 8444.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8444.151, 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. 8444.153. 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

3-1 voting at an election held for that purpose.
3-2 (b) A contract approved by the district voters may contain a
3-3 provision stating that the contract may be modified or amended by
3-4 the board without further voter approval.

3-5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-6 Sec. 8444.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-7 OBLIGATIONS. The district may issue bonds or other obligations
3-8 payable wholly or partly from ad valorem taxes, impact fees,
3-9 revenue, contract payments, grants, or other district money, or any
3-10 combination of those sources, to pay for any authorized district
3-11 purpose.

3-12 Sec. 8444.202. TAXES FOR BONDS. At the time the district
3-13 issues bonds payable wholly or partly from ad valorem taxes, the
3-14 board shall provide for the annual imposition of a continuing
3-15 direct ad valorem tax, without limit as to rate or amount, while all
3-16 or part of the bonds are outstanding as required and in the manner
3-17 provided by Sections 54.601 and 54.602, Water Code.

3-18 SECTION 2. The Harris County Municipal Utility District No.
3-19 529 initially includes all the territory contained in the following
3-20 area:

3-21 TRACT 1

3-22 BEING a 54.22 acre tract of land situated in the Joel Wheaton
3-23 Survey, A-80, City of Houston, Harris County, Texas, being out of
3-24 Lot 3 of Bringhurst Subdivision an unrecorded subdivision and being
3-25 all or part of the following ten (10) tracts of land: a called
3-26 18.4965 acre tract described and recorded under Harris County
3-27 Clerk's File Number (H.C.C.F. No.) V502562, a called 2.9313 acre
3-28 tract described and recorded under H.C.C.F. No. Z195460, a called
3-29 2.9228 acre tract described and recorded under H.C.C.F. No.
3-30 Z162927, a called 3.5932 acre tract described as Tract 1, a called
3-31 3.000 acre tract described as Tract 2, a called 4.0403 acre tract
3-32 described as Tract 4 all three recorded under H.C.C.F. No. Z167404,
3-33 a called 8.211 acre tract described and recorded under H.C.C.F. No.
3-34 Z023414, a called 3.4341 acre tract described and recorded under
3-35 H.C.C.F. No. V374135, a called 8.2113 acre tract described and
3-36 recorded under H.C.C.F. No. Y751625 and a called 3.4341 acre tract
3-37 described and recorded under H.C.C.F. No. Z023415, said 54.22 acre
3-38 tract being more particularly described by metes and bounds as
3-39 follows;

3-40 BEGINNING at a 3/4-inch iron pipe found for the southwest
3-41 corner of said 18.4965 acre tract and the southeast corner of a
3-42 called 21.8525 acre tract described and recorded under H.C.C.F. No.
3-43 20110402697 and being in the northern right-of-way line of
3-44 Westheimer Road (120-foot wide) as shown on the plat recorded in
3-45 Volume 331, Page 4 of the Harris County Map Records (H.C.M.R.)

3-46 THENCE, N 01° 42' 00" W, a distance of 2,092.45 feet (Called
3-47 SOUTH 2092.35 feet per H.C.C.F. No. V502562) along the line common
3-48 to said 18.4965 acre tract and said 21.8525 acre tract to a 3/4-inch
3-49 iron rod found for the most southerly southwest corner of LAKES OF
3-50 PARKWAY SEC. 17 as shown on the plat recorded at Film Code No.
3-51 563202 of the H.C.M.R. and being the northwest corner of the herein
3-52 described tract;

3-53 THENCE, N 87° 24' 19" E, a distance of 502.67 feet (Called S
3-54 89°05'17" W 502.62 feet per H.C.C.F. No. V502562) along the line
3-55 common to said 18.4965 acre tract and said LAKES OF PARKWAY SEC. 17
3-56 and LAKES OF PARKWAY SEC. 14 as shown on the plat recorded at Film
3-57 Code No. 540188 of the H.C.M.R. to a 1/2-inch iron pipe with cap
3-58 stamped BROWN & GAY set for the northeast corner of said 18.4965
3-59 acre tract and being in the west line of said called 8.2113 acre
3-60 tract described and recorded under H.C.C.F. No. Y751625;

3-61 THENCE, N 02° 05' 46" W, a distance of 515.73 feet (Called N
3-62 00°05'15" E per H.C.C.F. No. Y751625) along the line common to said
3-63 8.2113 acre tract and said LAKES OF PARKWAY SEC. 14 to a 5/8-inch
3-64 iron rod found for the southwest corner of SAN BRISAS APARTMENTS
3-65 REPLAT NO. 1 as shown on the plat recorded at Film Code No. 571150 of
3-66 the H.C.M.R.;

3-67 THENCE, N 87° 55' 42" E, a distance of 448.11 feet (Called S
3-68 89°53'17" E 448.11 feet per H.C.C.F. No. Y751625) along the line
3-69 common to said 8.2113 acre tract and said SAN BRISAS APARTMENTS

4-1 REPLAT NO. 1 to a 5/8-inch iron rod found for corner and being in the
4-2 west line of said called 3.4341 acre tract described and recorded
4-3 under H.C.C.F. No. Z023415;

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

4-10 THENCE, N 87° 29' 27" E, a distance of 520.39 feet (Called N
4-11 89°42'32" E 520.60 feet per H.C.C.F. No. Z023415) along the line
4-12 common to said 3.4341 acre tract and said 1.0000 acre tract to a
4-13 5/8-inch iron rod with cap stamped EHRA 713-784-4500 found for the
4-14 common eastern corners of said tracts and being in the west line of
4-15 RORICK PLACE as shown on the plat recorded at Film Code No. 468117
4-16 of the H.C.M.R.;

4-17 THENCE, S 02° 07' 56" E, a distance of 287.70 feet (Called S
4-18 00°02'40" W 287.26 feet per H.C.C.F. No. Z023415) along the line
4-19 common to said 3.4341 acre tract and said RORICK PLACE and ELDRIDGE
4-20 LAND, LLC as shown on the plat recorded at Film Code No. 456014 of
4-21 the H.C.M.R. to a 5/8-inch iron rod found for the southeast corner
4-22 of said 3.4341 acre tract and being in the north line of ELDRIDGE
4-23 APARTMENTS as shown on the plat recorded at Film Code No. 522292 of
4-24 the H.C.M.R.;

4-25 THENCE, S 87° 32' 02" W, a distance of 520.69 feet (Called S
4-26 89°42'32" W 520.93 feet per H.C.C.F. No. Z023415) along the line
4-27 common to said 3.4341 acre tract and said ELDRIDGE APARTMENTS to a
4-28 1/2-inch iron pipe with cap stamped BROWN & GAY set for an interior
4-29 ell corner of the herein described tract and being in the east line
4-30 of the afore mentioned 8.2113 acre tract;

4-31 THENCE, S 02° 04' 17" E, a distance of 573.71 feet (Called S
4-32 00°06'43" W per H.C.C.F. No. Y751625) along the line common to said
4-33 8.2113 acre tract and said ELDRIDGE APARTMENTS to a Nail with shiner
4-34 found for the northwest corner of said 3.4341 acre tract described
4-35 and recorded under H.C.C.F. No. V374135;

4-36 THENCE, N 87° 32' 02" E, a distance of 521.29 feet (Called N
4-37 89°42'32" E 521.61 feet per H.C.C.F. No. V374135) along the line
4-38 common to said 3.4341 acre tract and said ELDRIDGE APARTMENTS to a
4-39 1/2-inch iron rod found for the northeast corner of said 3.4341 acre
4-40 tract and being in the west line of Rincon Drive (60-foot wide) as
4-41 shown on the plat recorded at Film Code No. 408056 of the H.C.M.R.;

4-42 THENCE, S 02° 07' 48" E, a distance of 286.10 feet (Called S
4-43 00°02'40" W 286.70 feet per H.C.C.F. No. V374135) along the east
4-44 line of said 3.4341 acre tract and the west line of said Rincon
4-45 Drive and the west line of CONCIERGE CARE PARTIAL REPLAT as shown on
4-46 the plat recorded at Film Code No. 421008 of the H.C.M.R. to a
4-47 5/8-inch iron rod found for the northeast corner of a called 3.4341
4-48 acre tract described and recorded under H.C.C.F. No. X753041;

4-49 THENCE, S 87° 31' 32" W, a distance of 521.58 feet (Called S
4-50 89°42'32" W 521.95 feet per H.C.C.F. No. V374135) along the line
4-51 common to the two said 3.4341 acre tracts to a 1/2-inch iron pipe
4-52 with cap stamped BROWN & GAY set for the west corner common to said
4-53 3.4341 acre tracts and being in the east line of said called 8.211
4-54 acre tract described and recorded under H.C.C.F. No. Z023414;

4-55 THENCE, S 02° 04' 17" E, a distance of 579.26 feet (Called S
4-56 00°06'43" W per H.C.C.F. No. Z023414) along the line common to said
4-57 8.211 acre tract and said 3.4341 acre tract and a called 3.433 acre
4-58 tract to a 1/2-inch iron pipe with cap stamped BROWN & GAY set for
4-59 the southeast corner of said 8.211 acre tract and being in the north
4-60 line of said called 4.0403 acre tract described and recorded under
4-61 H.C.C.F. No. Z167404;

4-62 THENCE, S 04° 05' 23" E, a distance of 27.97 feet to a MAG Nail
4-63 in asphalt road found for the northwest corner of a called 3.59 acre
4-64 tract described and recorded under H.C.C.F. No. 20100549644;

4-65 THENCE, S 01° 59' 03" E, a distance of 330.00 feet (Called S
4-66 00°41'03" W 330.01 feet per H.C.C.F. No. Z167404) along the line
4-67 common to said 3.59 acre tract and said 4.0403 acre tract to a MAG
4-68 Nail found in asphalt road for the southwest corner of said 3.59
4-69 acre tract and southeast corner of said 4.0403 acre tract;

5-1 THENCE, S 87° 25' 08" W, a distance of 20.00 feet to a 5/8-inch
5-2 iron rod with cap stamped BENCHMARK ENGR. found for the northeast
5-3 corner of said 3.000 acre tract;
5-4 THENCE, S 01° 59' 03" E, a distance of 305.61 feet (Called S
5-5 00°41'03" W 305.62 feet per H.C.C.F. No. Z167404) along the east
5-6 line of said 3.000 acre tract to 1/2-inch iron pipe with cap stamped
5-7 BROWN & GAY set for the southeast corner of said 3.000 acre tract;
5-8 THENCE, N 87° 25' 08" E, a distance of 20.00 feet to a MAG Nail
5-9 found in asphalt road for the northeast corner of said 3.5932 acre
5-10 tract;
5-11 THENCE, S 01° 59' 03" E, a distance of 101.16 feet (Called S
5-12 00° 41' 03" W, per H.C.C.F. No. Z167404) along the line common to
5-13 said 3.5932 acre tract and a called 2.8470 acre tract described as
5-14 Tract III and a called 0.7462 acre tract described as Tract II, both
5-15 recorded under H.C.C.F. No. 20090486602 to a 1/2-inch iron pipe
5-16 with cap stamped BROWN & GAY set for the southeast corner of the
5-17 herein described tract;
5-18 THENCE, S 87° 27' 48" W, a distance of 659.02 feet over and
5-19 across said 3.5932 acre tract and said 2.9228 acre tract to a
5-20 1/2-inch iron pipe with cap stamped BROWN & GAY set for corner;
5-21 THENCE, S 02° 21' 27" E, a distance of 250.00 feet (Called N
5-22 00° 30' 35" E, per H.C.C.F. No. Z162927) to a 5/8-inch iron rod found
5-23 for the southwest corner of said 2.9228 acre tract and the southeast
5-24 corner of a called 2.9313 acre tract described and recorded under
5-25 H.C.C.F. No. Z195460 and being in the northern right-of-way line of
5-26 said Westheimer Road;
5-27 THENCE, S 87° 27' 48" W, a distance of 306.23 feet (Called N
5-28 89°11'42" E per H.C.C.F. No. V502562) along the northern
5-29 right-of-way line of said Westheimer Road to the POINT OF BEGINNING
5-30 and containing 54.22 acres of land.
5-31 TRACT 2
5-32 A METES AND BOUNDS description of a certain 38.83 acre tract
5-33 of land situated in the Joel Wheaton Survey, Abstract No. 80 in
5-34 Harris County, Texas; being a portion of a called 67.8 acre tract
5-35 conveyed to The Restelle Company by Instruments recorded in Clerks
5-36 File Nos G898468 and G898470, both of the Harris County Official
5-37 Public Records of Real Property; said 38.83 acre tract being more
5-38 particularly described as follows with all bearings being based on
5-39 the Texas Coordinate System, South Central Zone, NAD 83:
5-40 BEGINNING at a 5/8-inch iron rod found being the southeast
5-41 corner of Westheimer At Eldridge Center recorded in Film Code No.
5-42 388053, Harris County Map Records, also being in the north
5-43 right-of-way of Westheimer Road (based on a width of 120 feet);
5-44 THENCE, North 01°58'37" West, 3017.39 feet to a 5/8-inch iron
5-45 rod (with cap stamped "Cotton Surveying") set being in the east line
5-46 of Replat Parkway Plaza Section Two recorded in Film Code No.
5-47 355131, Harris County Map Records;
5-48 THENCE, North 88°01'23" East, 855.00 feet over and across said
5-49 67.8 acre tract to a 5/8-inch iron rod (with cap stamped "Cotton
5-50 Surveying") set being in the west line of Gentryside Townhomes
5-51 recorded in Film Code No. 515264, Harris County Map Records;
5-52 THENCE, South 01°44'06" East, 851.35 feet to a 5/8-inch iron
5-53 rod (with cap stamped "Cotton Surveying") set being the southwest
5-54 corner of Lot 8, Block 6, out of Reflections Section 1 recorded in
5-55 Volume 293, Page 102, Harris County Map Records;
5-56 THENCE, South 87°23'56" West, 399.90 feet to a 5/8-inch iron
5-57 rod (with cap stamped "Cotton Surveying") set being the northwest
5-58 corner of Lot 1, Block 6 out of said Reflections Section 1;
5-59 THENCE, South 01°39'27" East, 2157.43 feet to a 5/8-inch iron
5-60 rod (with cap stamped "Cotton Surveying") set being the southwest
5-61 corner of Reserve "A" out of said Reflections Section 1, also being
5-62 in the aforementioned north right-of-way;
5-63 THENCE, South 87°27'49" West, 439.52 feet to the POINT OF
5-64 BEGINNING, CONTAINING 38.83 acres of land in Harris County, Texas
5-65 as shown on Drawing No. 7859 (OS) A in the office of Cotton
5-66 Surveying Company in Houston, Texas.
5-67 SECTION 3. (a) The legal notice of the intention to
5-68 introduce this Act, setting forth the general substance of this
5-69 Act, has been published as provided by law, and the notice and a

6-1 copy of this Act have been furnished to all persons, agencies,
6-2 officials, or entities to which they are required to be furnished
6-3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-4 Government Code.

6-5 (b) The governor, one of the required recipients, has
6-6 submitted the notice and Act to the Texas Commission on
6-7 Environmental Quality.

6-8 (c) The Texas Commission on Environmental Quality has filed
6-9 its recommendations relating to this Act with the governor, the
6-10 lieutenant governor, and the speaker of the house of
6-11 representatives within the required time.

6-12 (d) All requirements of the constitution and laws of this
6-13 state and the rules and procedures of the legislature with respect
6-14 to the notice, introduction, and passage of this Act are fulfilled
6-15 and accomplished.

6-16 SECTION 4. (a) If this Act does not receive a two-thirds
6-17 vote of all the members elected to each house, Subchapter C, Chapter
6-18 8444, Special District Local Laws Code, as added by Section 1 of
6-19 this Act, is amended by adding Section 8444.104 to read as follows:

6-20 Sec. 8444.104. NO EMINENT DOMAIN POWER. The district may
6-21 not exercise the power of eminent domain.

6-22 (b) This section is not intended to be an expression of a
6-23 legislative interpretation of the requirements of Subsection (c),
6-24 Section 17, Article I, Texas Constitution.

6-25 SECTION 5. This Act takes effect immediately if it receives
6-26 a vote of two-thirds of all the members elected to each house, as
6-27 provided by Section 39, Article III, Texas Constitution. If this
6-28 Act does not receive the vote necessary for immediate effect, this
6-29 Act takes effect September 1, 2013.

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