



15 MAY 2006 09:53  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO.1

BY: BELL

Amend SB 2002 as Engrossed as follows:

On page 3, between lines 23 and 24, add the following appropriately numbered SECTIONS to the bill, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7950 to read as follows:

CHAPTER 7950. F.M. 2920/BECKER ROAD MUNICIPAL UTILITY DISTRICT  
OF HARRIS COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7950.001. 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 F.M. 2920/Becker Road Municipal Utility District of Harris County.

Sec. 7950.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7950.003. 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. 7950.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7950.003 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. 7950.005. 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 municipal utility 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. 7950.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7950.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7950.052, directors serve staggered four-year terms.

Sec. 7950.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Brian Toldan;

(2) Elva Composto;

(3) Hudson Kennedy;

(4) Josh Rambo; and

(5) Michael Others.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7950.003; 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 7950.003 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 7950.003; 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

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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. 7950.101. GENERAL POWERS AND DUTIES. The district has  
the powers and duties necessary to accomplish the purposes for  
which the district is created.

Sec. 7950.102. 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. 7950.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
52, Article III, Texas Constitution, the district may design,  
acquire, construct, finance, issue bonds for, improve, operate,

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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. 7950.104. 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,  
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. 7950.105. 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. 7950.151. 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 7950.153.

(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.



(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. 7950.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7950.151, 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. 7950.153. 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. 7950.201. 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. 7950.202. 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 Sections 54.601 and 54.602, Water Code.

Sec. 7950.203. 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 \_\_\_\_ . The F.M. 2920/Becker Road Municipal Utility District of Harris County initially includes all the territory contained in the following area:

FIELD NOTES FOR A 143.175 ACRE TRACT BEING THE RESIDUE OF THE SAME TRACT THAT IS DESCRIBED AS 145.507 ACRES IN THE DEED RECORDED IN HARRIS COUNTY CLERK'S FILE NO. L295708 (SAVE AND EXCEPT A 2.381 ACRE TRACT CONVEYED OUT IN THE DEED RECORDED IN CLERK'S FILE No. 2012449130), AND BEING LOCATED IN THE HARRIS COUNTY SCHOOL LANDS, SECTION 29, ABSTRACT 333, HARRIS COUNTY, TEXAS.

BEGINNING: At a concrete monument found for the Northeast corner of this 143.175 acre tract (and the above described 145.507

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acre tract) as located at the intersection of the South line of Farm-to-Market Road 2920 (100 foot width) with the West right-of-way line of Becker Road (66 foot width);

THENCE: South 01° 29' 57" East with the West line of Becker Road a distance of 493.80 feet to a 1/2 inch iron rod found for the Southeast corner of this 143.175 acre tract and also being the Northeast corner of an adjoining 5.000 acre tract (Clerk's File No. T129332);

THENCE: South 88° 10' 30" West a distance of 900.00 feet along the North line of the 5.000 acre tract to a 2 inch iron pipe found for the Northwest corner of the 5.000 acre tract and also being an interior corner of this 143.175 acre tract;

THENCE: South 01° 31' 24" East with the West line of the 5.000 acre tract and a West line of a called 24.287 acre tract (Clerk's File No. T129332) a distance of 842.21 feet to a 2 inch iron pipe found for an interior corner of the 24.287 acre tract and also a

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lower Southeast corner of this tract;

THENCE: South 88° 12' 00" West at distance of 2300.24 feet with a North line of the called 24.287 acre tract and a South line of this 143.175 acre tract passing a 2 inch iron pipe found for a Northwest corner of the called 24.287 acre tract and the Northeast corner of a 2.381 acre tract (Clerk's File No. 2012449130) and continuing on for a total distance of 2768.46 feet to a 1/2 inch iron rod found for the Southwest corner of this tract and the Northwest corner of the 2.381 acre tract;

THENCE: North 02° 05' 14" West with the West line of this tract and the East line of a called 100.00 acre tract (Clerk's File No. F053682), said 100.00 acre tract has been subdivided into Adams Plaza Subdivision (unrecorded); a distance of 1998.21 feet to a 1/2 inch iron rod found for the Southwest corner of a 1.000 acre tract (Clerk's File NO. S770247);

THENCE: North 88° 21' 15" East a distance of 100.00 feet along

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the South line of the 1.000 acre tract to a 1/2 inch iron rod found  
for the Southeast corner of the 1.000 acre tract and being an  
interior corner of this 143.175 acre tract;

THENCE: North 02° 05' 14" West a distance of 435.21 feet along  
the East line of the 1.000 acre tract to a 5/8 inch iron rod and  
cap found for the Northeast corner of the 1.000 acre tract and the  
Northwest corner of this 143.175 acre tract, said corner is located  
in the South right-of-way line of F.M. 2920;

THENCE: North 88° 21' 15" East a distance of 361.28 feet with  
the South line of F.M. 2920 to a concrete monument found for a P.C.  
of a curve;

THENCE: Continuing along the South line of F.M. 2920 with a  
curve to the right having a radius of 2241.86 feet and a curve  
length of 1397.11 feet to a concrete monument found at the curve's  
P.T.; said curve is subtended by a chord that bears South 73° 50'  
17" East a distance of 1374.61 feet;

THENCE: South 55° 58' 14" East a distance of 394.51 feet along the South right-of-way line of F.M. 2920 to a concrete monument found for a P.C. of a curve;

THENCE: Following the South right-of-way line of F.M. 2920 along a curve to the left having a radius of 2341.86 feet and a curve length of 1470.77 feet to a concrete monument found for the P.T. of the curve; said curve is subtended by a chord that bears South 73° 59' 04" East a distance of 1446.72 feet;

THENCE: North 87° 45' 25" East a distance of 221.23 feet along the South right-of-way line of F.M. 2920 to the PLACE OF BEGINNING and containing 143.175 acres of land.

SECTION \_\_\_\_ . (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7950, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7950.106 to read as follows:

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Sec. 7950.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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