

By: Fletcher

H.B. No. 4211

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the F.M. 2920/Becker Road Municipal Utility District of Harris County; 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 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

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7950.004. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section 7950.003
4 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 7950.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
9 The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

11 (1) a municipal utility district as provided by
12 general law and Section 59, Article XVI, Texas Constitution; and

13 (2) Section 52, Article III, Texas Constitution, that
14 relate to the construction, acquisition, improvement, operation,
15 or maintenance of macadamized, graveled, or paved roads, or
16 improvements, including storm drainage, in aid of those roads.

17 Sec. 7950.006. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

10 (1) Brian Toldan;

11 (2) Elva Composto;

12 (3) Hudson Kennedy;

13 (4) Josh Rambo; and

14 (5) Michael Others.

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

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

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

20 (c) If permanent directors have not been elected under
21 Section 7950.003 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

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

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a
3 majority of the assessed value of the real property in the district
4 may submit a petition to the commission requesting that the
5 commission appoint as successor temporary directors the five
6 persons named in the petition. The commission shall appoint as
7 successor temporary directors the five persons named in the
8 petition.

9 SUBCHAPTER C. POWERS AND DUTIES

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

13 Sec. 7950.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 7950.103. AUTHORITY FOR ROAD PROJECTS. Under Section
19 52, Article III, Texas Constitution, the district may design,
20 acquire, construct, finance, issue bonds for, improve, operate,
21 maintain, and convey to this state, a county, or a municipality for
22 operation and maintenance macadamized, graveled, or paved roads, or
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 7950.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
25 project must meet all applicable construction standards, zoning and
26 subdivision requirements, and regulations of each municipality in
27 whose corporate limits or extraterritorial jurisdiction the road

1 project is located.

2 (b) If a road project is not located in the corporate limits
3 or extraterritorial jurisdiction of a municipality, the road
4 project must meet all applicable construction standards,
5 subdivision requirements, and regulations of each county in which
6 the road project is located.

7 (c) If the state will maintain and operate the road, the
8 Texas Transportation Commission must approve the plans and
9 specifications of the road project.

10 Sec. 7950.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
11 OR RESOLUTION. The district shall comply with all applicable
12 requirements of any ordinance or resolution that is adopted under
13 Section 54.016 or 54.0165, Water Code, and that consents to the
14 creation of the district or to the inclusion of land in the
15 district.

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 7950.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
18 district may issue, without an election, bonds and other
19 obligations secured by:

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

21 (2) contract payments described by Section 7950.153.

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

26 (c) The district may not issue bonds payable from ad valorem
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 7950.152. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 7950.151, the district
5 may impose an operation and maintenance tax on taxable property in
6 the district in accordance with Section 49.107, Water Code.

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

9 Sec. 7950.153. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

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

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 7950.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, contract payments, grants, or other district money, or any
23 combination of those sources, to pay for any authorized district
24 purpose.

25 Sec. 7950.202. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

4 Sec. 7950.203. BONDS FOR ROAD PROJECTS. At the time of
5 issuance, the total principal amount of bonds or other obligations
6 issued or incurred to finance road projects and payable from ad
7 valorem taxes may not exceed one-fourth of the assessed value of the
8 real property in the district.

9 SECTION 2. The F.M. 2920/Becker Road Municipal Utility
10 District of Harris County initially includes all the territory
11 contained in the following area:

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

18 BEGINNING: At a concrete monument found for the Northeast corner
19 of this 143.175 acre tract (and the above described 145.507 acre
20 tract) as located at the intersection of the South line of
21 Farm-to-Market Road 2920 (100 foot width) with the West
22 right-of-way line of Becker Road (66 foot width);

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

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

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

10 THENCE: South 88° 12' 00" West at distance of 2300.24 feet with a
11 North line of the called 24.287 acre tract and a South line of this
12 143.175 acre tract passing a 2 inch iron pipe found for a Northwest
13 corner of the called 24.287 acre tract and the Northeast corner of a
14 2.381 acre tract (Clerk's File No. 2012449130) and continuing on
15 for a total distance of 2768.46 feet to a 1/2 inch iron rod found for
16 the Southwest corner of this tract and the Northwest corner of the
17 2.381 acre tract;

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

24 THENCE: North 88° 21' 15" East a distance of 100.00 feet along the
25 South line of the 1.000 acre tract to a 1/2 inch iron rod found for
26 the Southeast corner of the 1.000 acre tract and being an interior
27 corner of this 143.175 acre tract;

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

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

9 THENCE: Continuing along the South line of F.M. 2920 with a curve
10 to the right having a radius of 2241.86 feet and a curve length of
11 1397.11 feet to a concrete monument found at the curve's P.T.; said
12 curve is subtended by a chord that bears South 73° 50' 17" East a
13 distance of 1374.61 feet;

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

17 THENCE: Following the South right-of-way line of F.M. 2920 along
18 a curve to the left having a radius of 2341.86 feet and a curve
19 length of 1470.77 feet to a concrete monument found for the P.T. of
20 the curve; said curve is subtended by a chord that bears South 73°
21 59' 04" East a distance of 1446.72 feet;

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

25 SECTION 3. (a) The legal notice of the intention to
26 introduce this Act, setting forth the general substance of this
27 Act, has been published as provided by law, and the notice and a

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

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

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

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

16 SECTION 4. (a) If this Act does not receive a two-thirds
17 vote of all the members elected to each house, Subchapter C, Chapter
18 7950, Special District Local Laws Code, as added by Section 1 of
19 this Act, is amended by adding Section 7950.106 to read as follows:

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

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

25 SECTION 5. This Act takes effect September 1, 2015.