

By: Bohac

H.B. No. 1455

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Harris County Municipal Utility
3 District No. 552; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7978 to read as follows:

9 CHAPTER 7978. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 552

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7978.001. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Harris County Municipal
17 Utility District No. 552.

18 Sec. 7978.002. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7978.003. CONFIRMATION AND DIRECTORS' ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 7978.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7978.003
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. 7978.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

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

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

12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, or improvement of
14 macadamized, graveled, or paved roads described by Section 54.234,
15 Water Code, or improvements, including storm drainage, in aid of
16 those roads.

17 Sec. 7978.006. 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. 7978.051. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 7978.052, directors serve
7 staggered four-year terms.

8 Sec. 7978.052. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) _____;

11 (2) _____;

12 (3) _____;

13 (4) _____; and

14 (5) _____.

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

16 (1) the date permanent directors are elected under
17 Section 7978.003; or

18 (2) June 1, 2021.

19 (c) If permanent directors have not been elected under
20 Section 7978.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7978.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7978.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7978.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7978.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve, and
20 convey to this state, a county, or a municipality for operation and
21 maintenance macadamized, graveled, or paved roads described by
22 Section 54.234, Water Code, or improvements, including storm
23 drainage, in aid of those roads.

24 (b) The district may exercise the powers provided by this
25 section without submitting a petition to or obtaining approval from
26 the commission as required by Section 54.234, Water Code.

27 Sec. 7978.104. APPROVAL OF ROAD PROJECT. (a) The district

1 may not undertake a road project authorized by Section 7978.103
2 unless:

3 (1) each municipality or county that will operate and
4 maintain the road has approved the plans and specifications of the
5 road project, if a municipality or county will operate and maintain
6 the road; or

7 (2) the Texas Transportation Commission has approved
8 the plans and specifications of the road project, if the state will
9 operate and maintain the road.

10 (b) Except as provided by Subsection (a), the district is
11 not required to obtain approval from the Texas Transportation
12 Commission to design, acquire, construct, finance, issue bonds for,
13 improve, or convey a road project.

14 Sec. 7978.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
15 OR RESOLUTION. The district shall comply with all applicable
16 requirements of any ordinance or resolution that is adopted under
17 Section 54.016 or 54.0165, Water Code, and that consents to the
18 creation of the district or to the inclusion of land in the
19 district.

20 Sec. 7978.106. LIMITATION ON USE OF EMINENT DOMAIN. The
21 district may not exercise the power of eminent domain outside the
22 district to acquire a site or easement for:

23 (1) a road project authorized by Section 7978.103; or

24 (2) a recreational facility as defined by Section
25 49.462, Water Code.

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 7978.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The

1 district may issue, without an election, bonds and other
2 obligations secured by revenue other than ad valorem taxes.

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

7 (c) The district may not issue bonds payable from ad valorem
8 taxes to finance a road project unless the issuance is approved by a
9 vote of a two-thirds majority of the district voters voting at an
10 election held for that purpose.

11 Sec. 7978.152. OPERATION AND MAINTENANCE TAX. (a) If
12 authorized at an election held under Section 7978.151, the district
13 may impose an operation and maintenance tax on taxable property in
14 the district in accordance with Section 49.107, Water Code.

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

17 Sec. 7978.153. WATER AND SEWER RATES. Notwithstanding any
18 other law, the district shall establish the same rates for
19 residential and commercial classes of customers for the provision
20 of water and sewer services. For purposes of this section, the
21 commercial class may not include apartment complexes or other
22 multifamily dwellings.

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 7978.201. AUTHORITY TO ISSUE BONDS AND OTHER
25 OBLIGATIONS. The district may issue bonds or other obligations
26 payable wholly or partly from ad valorem taxes, impact fees,
27 revenue, contract payments, grants, or other district money, or any

1 combination of those sources, to pay for any authorized district
2 purpose.

3 Sec. 7978.202. TAXES FOR BONDS. At the time the district
4 issues bonds payable wholly or partly from ad valorem taxes, the
5 board shall provide for the annual imposition of a continuing
6 direct ad valorem tax, without limit as to rate or amount, while all
7 or part of the bonds are outstanding as required and in the manner
8 provided by Sections 54.601 and 54.602, Water Code.

9 Sec. 7978.203. BONDS FOR ROAD PROJECTS. At the time of
10 issuance, the total principal amount of bonds or other obligations
11 issued or incurred to finance road projects and payable from ad
12 valorem taxes may not exceed one-fourth of the assessed value of the
13 real property in the district.

14 SECTION 2. The Harris County Municipal Utility District
15 No. 552 initially includes all the territory contained in the
16 following area:

17 A METES AND BOUNDS description of a certain 150.912 acre tract of
18 land situated in the A.T. Miles Survey, Abstract No. 556, in Harris
19 County, Texas; being part of a called 174.8682 acre tract conveyed
20 to Metro National Corporation by Warranty Deed recorded in Harris
21 County Clerk's File No. F546226 of the Harris County Official
22 Public Records of Real Property; said 150.912 acres of land being
23 more particularly described as follows with all bearings being
24 based on the Texas Coordinate System, South Central Zone, NAD 83;
25 BEGINNING at a 3/4-inch iron rod (with cap stamped "Jones|Carter
26 Property Corner") set at the southeast corner of Unrestricted
27 Reserve "B" of Spring Shadows Subdivision Section Twenty One, plat

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1 of which is recorded in Film Code No. 349102 of the Harris County
2 Map Records, being in the west line of Kempwood North, plat of which
3 is recorded in Volume 133, Page 70 of the Harris County Map Records
4 and also being in the north right-of-way line of Kemp Forest Drive
5 (60 feet wide) as conveyed to the City of Houston by Instrument
6 recorded in Clerk's File No. D562860 of the Harris County Official
7 Public Records of Real Property, from said 3/4-inch iron rod (with
8 cap stamped "Jones|Carter Property Corner") a found 1/2-inch iron
9 rod bears North 81° East, 0.71 feet, and also from said 3/4-inch
10 iron rod (with cap stamped "Jones|Carter Property Corner") a found
11 1/2-inch iron rod bears South 02°30' East, 59.89 feet;

12 THENCE, South 87°21'40" West, 1011.17 feet with the said north
13 right-of-way line of Kemp Forest Drive to a 1-inch iron pipe found
14 at the intersection with the west right-of-way line of Rosefield
15 Drive (60 feet wide);

16 THENCE, South 01°33'20" East, 221.36 feet with said west
17 right-of-way line of Rosefield Drive (Clerk's File No. D562860
18 Houston Official Public Records of Real Property) to a 3/4-inch
19 iron rod (with cap stamped "Jones|Carter Property Corner") set at
20 the northeast corner of a 10 foot by 10 foot cut back at the
21 intersection with the north right-of-way line of another part of
22 Kemp Forest Drive (60 feet wide), and being the northeast corner of
23 Spring Shadows Townhouses, Section 2, as recorded in Volume 205,
24 Page 36 of the Harris County Map Records;

25 THENCE, in a westerly direction with said north right-of-way line
26 of Kemp Forest Drive and with the north line of said Spring Shadows
27 Townhouses, Section 2, and with the north line of Spring Shadows

1 Townhouses, Section 1, as recorded in Volume 168, Page 15 of the
2 Harris County Map Records the following two (2) courses and
3 distances:

4 1. South 43°26'40" West, 14.14 feet along said cutback line
5 to an "X" in concrete, set;

6 2. South 88°26'40" West, at 730.06 feet passing a found
7 1-inch iron pipe, 0.53 feet right, at 2113.30 feet passing the
8 southeast corner of Unrestricted Reserve "A" of Spring Shadows
9 Subdivision Section Twenty One, plat of which is recorded in Film
10 Code No. 349102 of the Harris County Map Records, in all 2556.20
11 feet to a 5/8-inch iron rod (with cap stamped "Jones|Carter
12 Property Corner") set at the southeast corner of a cutback, same
13 being the most easterly corner of a called 0.0022 acre right-of-way
14 dedication shown on said plat recorded in Film Code No. 349102 of
15 the Harris County Map Records, from said 5/8-inch iron rod (with cap
16 stamped "Cotton Surveying Company"), a found 5/8-inch iron rod
17 bears South 88°26'40" West, 0.33 feet;

18 THENCE, North 46°48'15" West, 24.28 feet along said cutback line to
19 a 5/8-inch iron rod (with cap stamped "Jones|Carter Property
20 Corner") set in the east line of Street Dedication Plat for Gessner
21 Road, plat of which is recorded in Volume 172, Page 8 of the Harris
22 County Map Records and also being in the east right-of-way line of
23 Gessner Road (100 feet wide);

24 THENCE, North 02°03'10" West along said east line of Gessner Road,
25 at 900.00 feet passing a found 5/8-inch iron rod at the southerly
26 northwest corner of said Unrestricted Reserve "A", in all 1833.03
27 feet to a 5/8-inch iron rod (with cap stamped "Cotton Surveying

1 Company") set at the southwest corner of a 10 foot by 10 foot
2 cutback at the intersection with the south right-of-way line of
3 Clay Road, said iron rod being the southwest corner of a called
4 0.2512 acre tract recorded in Clerk's File No. E249611 of the
5 Harris County Official Public Records of Real Property;

6 THENCE, North 42°39'45" East, 14.21 feet along said cutback line to
7 a 5/8-inch iron rod (with cap stamped "Jones|Carter Property
8 Corner") set in the south line of Clay Road (ROW varies);

9 THENCE, in an easterly direction with the said southerly
10 right-of-way line of Clay Road, the southerly line of said 0.2512
11 acre tract and the apparent southerly line of a called 1.4830 acre
12 tract conveyed to the City of Houston and recorded in Clerk's File
13 No. R166519 of the Harris County Official Public Records of Rael
14 Property, the following seven (7) courses and distances:

15 1. North 87°22'24" East, 427.90 feet to a 5/8-inch iron rod
16 (with cap stamped "Cotton Survey Company") set at the southeast
17 corner of said 0.2512 acre tract;

18 2. North 02°37'36" West, 2.76 feet to a 5/8-inch iron rod
19 (with cap stamped "Jones|Carter Property Corner") set, from which a
20 found 5/8-inch iron rod bears South 87°22'24" West, 0.32 feet;

21 3. North 87°22'24" East, 2146.02 feet to an "X" in concrete;

22 4. South 47°27'19" East, 21.15 feet to a 3/4-inch iron rod
23 (with cap stamped "Jones|Carter Property Corner") set, from which a
24 found 5/8-inch iron rod (with cap stamped "American Luper 4752")
25 bears North 26° West, 0.73 feet;

26 5. North 87°22'24" East, 80.00 feet to a 3/4-inch iron rod
27 (with cap stamped "Jones|Carter Property Corner") set, from which a

1 found 5/8-inch iron rod (with cap stamped "American Luper 4752")
2 bears North 24° West, 0.71 feet;

3 6. North 42°33'10" East, 21.28 feet to a point in a control
4 box;

5 7. North 87°22'24" East, 902.61 feet to a bolt securing a
6 guard rail found at the northeast corner of the herein described
7 tract from which a green cap stamped "Jones|Carter Reference Point"
8 set in concrete slope paving bears South 02°03'10" East, 5.00 feet;
9 THENCE, South 02°03'10" East, at 224.38 feet passing a found
10 1/2-inch iron rod, at 869.51 feet passing a found 1/2-inch (with cap
11 stamped "Precision Surveyors"), 0.55 feet left, at 1493.03 feet
12 passing a found 1/2-inch iron rod, 0.44 feet right, in all 1679.63
13 feet with the west line of a called 2.0618 acre tract recorded in
14 Clerk's File No. V733122 of the Harris County Official Public
15 Records of Real Property and the west line of said Kempwood North
16 Subdivision to the POINT OF BEGINNING, CONTANING 150.912 acres of
17 land in Harris County, Texas.

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

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor, the
3 lieutenant governor, and the speaker of the house of
4 representatives within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act are fulfilled
8 and accomplished.

9 SECTION 4. (a) Section 7978.106, Special District Local
10 Laws Code, as added by Section 1 of this Act, takes effect only if
11 this Act receives a two-thirds vote of all the members elected to
12 each house.

13 (b) If this Act does not receive a two-thirds vote of all the
14 members elected to each house, Subchapter C, Chapter 7978, Special
15 District Local Laws Code, as added by Section 1 of this Act, is
16 amended by adding Section 7978.106 to read as follows:

17 Sec. 7978.106. NO EMINENT DOMAIN POWER. The district may
18 not exercise the power of eminent domain.

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

22 SECTION 5. This Act takes effect June 1, 2017, if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for effect on that
26 date, this Act takes effect September 1, 2017.