

By: Creighton
(Huberty)

S.B. No. 2284

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 544; 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 7924 to read as follows:

CHAPTER 7924. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 544

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7924.001. 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. 544.

Sec. 7924.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7924.003. 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. 7924.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7924.003
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. 7924.005. 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:

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, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 7924.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7924.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7924.052, directors serve
6 staggered four-year terms.

7 Sec. 7924.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 7924.003; or

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

19 (c) If permanent directors have not been elected under
20 Section 7924.003 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 7924.003; 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. 7924.101. 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. 7924.102. 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. 7924.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 7924.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

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

9 Sec. 7924.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 7924.151. ELECTIONS REGARDING TAXES OR BONDS.

17 (a) The district may issue, without an election, bonds and other
18 obligations secured by revenue other than ad valorem taxes.

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

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

27 Sec. 7924.152. OPERATION AND MAINTENANCE TAX. (a) If

1 authorized at an election held under Section 7924.151, the district
2 may impose an operation and maintenance tax on taxable property in
3 the district in accordance with Section 49.107, Water Code.

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

6 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

7 Sec. 7924.201. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. The district may issue bonds or other obligations
9 payable wholly or partly from ad valorem taxes, impact fees,
10 revenue, contract payments, grants, or other district money, or any
11 combination of those sources, to pay for any authorized district
12 purpose.

13 Sec. 7924.202. TAXES FOR BONDS. At the time the district
14 issues bonds payable wholly or partly from ad valorem taxes, the
15 board shall provide for the annual imposition of a continuing
16 direct ad valorem tax, without limit as to rate or amount, while all
17 or part of the bonds are outstanding as required and in the manner
18 provided by Sections 54.601 and 54.602, Water Code.

19 Sec. 7924.203. BONDS FOR ROAD PROJECTS. At the time of
20 issuance, the total principal amount of bonds or other obligations
21 issued or incurred to finance road projects and payable from ad
22 valorem taxes may not exceed one-fourth of the assessed value of the
23 real property in the district.

24 SECTION 2. The Harris County Municipal Utility District No.
25 544 initially includes all the territory contained in the following
26 area:

27 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING

1 138.03 ACRES OF LAND SITUATED IN THE WILLIAM WHITLOCK SURVEY,
2 ABSTRACT NO. 85, HARRIS COUNTY, TEXAS, AND BEING ALL OF A CALLED
3 60.288 ACRE TRACT BEING PLATTED AS INDIAN SHORES SECTIONS NINE (9)
4 AND TEN (10), UNRECORDED AND A CALLED 77.817 ACRE TRACT RECORDED IN
5 VOLUME 1250, PAGE 74 HARRIS COUNTY DEED RECORDS, SAID 138.03 ACRE
6 TRACT BEING THE SAME 138.0268 ACRE TRACT AS RECORDED IN H.C.C.F., NO
7 W777169 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS,
8 AS FOLLOWS TO-WIT:

9 Beginning at a 5/8 inch iron rod found in the north line of a
10 called 233.8 acre tract as recorded in H.C.C.F. No. Y604056 and
11 same being the Southeast corner of lot Four (4), Block Eighteen (18)
12 of Indian Shores Section 3, according to the map or plat recorded in
13 Volume 131, Page 32 Harris County Map Records (HCMR) and being the
14 Southeast corner of the called 60.288 acre tract and the Southeast
15 corner and PLACE OF BEGINNING of the tract herein described.

16 THENCE NORTH 87 DEGREES 42 MINUTES 19 SECONDS EAST, a
17 distance of 2299.67 feet with the north line of the Wheless tract to
18 a 1 inch iron pipe found for the Southwest corner Lot 1, Block 8 of
19 Rustic Acres Section 2, according to the map or plat recorded in
20 Volume 104, Page 809 Block Book for Harris County and being the
21 Southeast corner of the called 77.817 acre tract and the Southeast
22 corner of this tract herein described.

23 THENCE NORTH 17 DEGREES 11 MINUTES 18 SECONDS EAST, a
24 distance of 1499.32 feet, (called 1500.55 feet), with the west line
25 of said Rustic Acres Section 2 to a 5/8 inch iron rod found at the
26 intersection of the south right-of-way of Stoker Road, having a
27 right-of-way width of 100 feet, for the Northwest corner of Rustic

1 Acres Section 2 and same being the Southwest corner of Indian Shores
2 Section 6 according to the map of plat filed in Volume 165, Page 52
3 HCMR.

4 THENCE NORTH 17 DEGREES 05 MINUTES 22 SECONDS EAST, a
5 distance of 644.33 feet with the west line of said Indian Shores
6 Section 6 to a 5/8 inch iron rod found in the south line of Lot 2,
7 Block 6 of Indian Shores Section One according to the map or plat
8 recorded in Volume 119, Page 63 HCMR for the Northwest corner of
9 Indian Shores Section 6 and the Northeast corner of this tract
10 herein described.

11 THENCE FOLLOWING THE SOUTH BOUNDARY OF INDIAN SHORES SECTION
12 ONE (1) IN A WESTERLY DIRECTION AS FOLLOWS

13 THENCE SOUTH 87 DEGREES 51 MINUTES 26 SECONDS WEST, a
14 distance of 181.78 feet to a 5/8 inch iron rod found for an angle
15 point.

16 THENCE NORTH 84 DEGREES 11 MINUTES 58 SECONDS WEST, a
17 distance of 304.97 feet to a 1 inch iron pipe found for an angle
18 point,

19 THENCE NORTH 73 DEGREES 27 MINUTES 09 SECONDS WEST, a
20 distance of 274.25 feet to a 1/4 inch iron rod found for an angle
21 point,

22 THENCE NORTH 57 DEGREES 45 MINUTES 08 SECONDS WEST, a
23 distance of 954.57 feet to a 1 inch iron pipe found for the
24 Northeast corner of Lot One (1), Block Four (4) of Indian Shores
25 Section Two (2) according to the map or plat recorded in Volume 125,
26 Page 6 HCMR for the Northwest corner of this tract.

27 THENCE FOLLOWING THE EAST LINE OF SAID INDIAN SHORES SECTION

1 TWO (2) AS FOLLOWS:

2 THENCE SOUTH 40 DEGREES 25 MINUTES 36 SECONDS WEST, a
3 distance of 240.48 feet to a 1/2 inch iron rod found at the
4 Intersection with the south right-of-way of Running Bear Trail,
5 having a right-of-way width of sixty (60) feet.

6 THENCE NORTH 45 DEGREES 58 MINUTES 51 SECONDS WEST, a
7 distance of 30.35 feet with the south right-of-way of Running Bear
8 Trail to a 3/8 inch iron rod found for the Northeast corner at Lot 1,
9 Block 10 of said Section 2,

10 THENCE SOUTH 43 DEGREES 23 MINUTES 15 SECONDS WEST, a
11 distance of 223.16 feet to a 1/2 inch iron rod found for the
12 Southeast corner of said Lot 1, Block 10,

13 THENCE NORTH 26 DEGREES 19 MINUTES 19 SECONDS WEST, a
14 distance of 28.88 feet to a 1/2 inch iron rod found for the
15 Northeast corner of Lot 2, Block 10,

16 THENCE SOUTH 71 DEGREES 13 MINUTES 06 SECONDS WEST, a
17 distance of 829.60 feet to a 5/8 inch iron rod found for the
18 Southwest corner of Lot 11, Block 13, Section 2,

19 THENCE SOUTH 18 DEGREES 44 MINUTES 18 SECONDS EAST, a
20 distance of 80.01 feet to a 5/8 inch iron rod found for an angle
21 point,

22 THENCE SOUTH 16 DEGREES 03 MINUTES 16 SECONDS WEST, a
23 distance of 523.67 feet to a 1 inch iron bolt found for an angle
24 point,

25 THENCE SOUTH 20 DEGREES 38 MINUTES 58 SECONDS WEST, a
26 distance of 1006.73 feet to a 1/2 inch iron rod found for an angle
27 point,

1 THENCE SOUTH 64 DEGREES 27 MINUTES 48 SECONDS EAST, a
2 distance of 214.94 feet to a 1/2 inch iron rod found for an angle
3 point and being the Northeast corner of White Dove Trail, having a
4 right-of-way width of sixty (60) feet,

5 THENCE SOUTH 22 DEGREES 15 MINUTES 37 SECONDS WEST, a
6 distance of 43.07 feet with the east right-of-way of said White Dove
7 Trail to a 3/4 inch iron rod found for the Northwest corner of Lot 1,
8 Block 17, Indian Shores Section 3,

9 THENCE SOUTH 67 DEGREES 59 MINUTES 55 SECONDS EAST, a
10 distance of 170.27 feet to a 5/8 inch iron rod found for an angle
11 point,

12 THENCE SOUTH 22 DEGREES 08 MINUTES 33 SECONDS WEST, a
13 distance of 125.02 feet to a 1/2 inch iron rod found for the
14 Northeast corner of Silver Moon Trail, having a right-of-way width
15 of 60 feet,

16 THENCE SOUTH 34 DEGREES 03 MINUTES 33 SECONDS WEST, a
17 distance of 293.77 feet to a 5/8 inch iron rod found for the most
18 south corner of Lot 5, Block 18, Section 3,

19 THENCE SOUTH 43 DEGREES 54 MINUTES 05 SECONDS EAST, a
20 distance of 151.12 feet to the PLACE OF BEGINNING and containing
21 138.03 acres more or less.

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

1 Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and Act to the Texas Commission on
4 Environmental Quality.

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

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

13 SECTION 4. (a) If this Act does not receive a two-thirds
14 vote of all the members elected to each house, Subchapter C, Chapter
15 7924, Special District Local Laws Code, as added by Section 1 of
16 this Act, is amended by adding Section 7924.106 to read as follows:

17 Sec. 7924.106. NO EMINENT DOMAIN POWER. The district may
18 not exercise the power of eminent domain.

19 (b) 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 immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.