

By: Creighton

S.B. No. 2290

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 557; 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 8015 to read as follows:

CHAPTER 8015. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 557

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8015.001. 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. 557.

Sec. 8015.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8015.003. 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. 8015.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 8015.003  
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. 8015.005. 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. 8015.006. 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. 8015.051. GOVERNING BODY; TERMS. (a) The district is  
5 governed by a board of five elected directors.

6           (b) Except as provided by Section 8015.052, directors serve  
7 staggered four-year terms.

8           Sec. 8015.052. 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 8015.003; 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 8015.003 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 8015.003; or

27           (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. 8015.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8015.102. 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. 8015.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

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

1       Sec. 8015.104. APPROVAL OF ROAD PROJECT. (a) The district  
2 may not undertake a road project authorized by Section 8015.103  
3 unless:

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

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

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

15       Sec. 8015.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
16 OR RESOLUTION. The district shall comply with all applicable  
17 requirements of any ordinance or resolution that is adopted under  
18 Section 54.016 or 54.0165, Water Code, and that consents to the  
19 creation of the district or to the inclusion of land in the  
20 district.

21               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

22       Sec. 8015.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
23 district may issue, without an election, bonds and other  
24 obligations secured by:

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

26               (2) contract payments described by Section 8015.153.

27       (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
2 before the district may impose an ad valorem tax or issue bonds  
3 payable from ad valorem taxes.

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

8 Sec. 8015.152. OPERATION AND MAINTENANCE TAX. (a) If  
9 authorized at an election held under Section 8015.151, the district  
10 may impose an operation and maintenance tax on taxable property in  
11 the district in accordance with Section 49.107, Water Code.

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

14 Sec. 8015.153. CONTRACT TAXES. (a) In accordance with  
15 Section 49.108, Water Code, the district may impose a tax other than  
16 an operation and maintenance tax and use the revenue derived from  
17 the tax to make payments under a contract after the provisions of  
18 the contract have been approved by a majority of the district voters  
19 voting at an election held for that purpose.

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

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 8015.201. 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. 8015.202. 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. 8015.203. 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 No.  
15 557 initially includes all the territory contained in the following  
16 area:

17 DESCRIPTION OF A 312.64 ACRE TRACT OF LAND  
18 SITUATED IN THE JOHN MERRY SURVEY, ABSTRACT 49  
19 HARRIS COUNTY, TEXAS

20 BEING a 312.64 acre tract of land situated in the John Merry  
21 Survey, Abstract 49, Harris County, Texas and being the  
22 residue of a called 315.369 acre tract of land described in an  
23 instrument filed for record under Harris County Clerk's File  
24 Number C623592, said 312.64 acres being more particularly  
25 described by metes and bounds as follows:

26 BEGINNING at a Texas Department of Transportation brass disk  
27 in concrete found for the northeast corner of a called 2.14

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1 acre right-of-way acquisition tract for Farm-to-Market Road  
2 2100 (160-foot width) described in an instrument filed for  
3 record under Harris County Clerk's File Number E236723, some  
4 also being in the south right-of-way line of the Houston,  
5 Beaumont & Orange Interurban Railroad right-of-way (100-foot  
6 width, Volume 542, Page 15, Harris County Map Records);

7 THENCE N 64'36'50" E, a distance of 2151.36 feet along the  
8 southeast line of said Houston, Beaumont & Orange Interurban  
9 Railroad right-of-way to a 5/8 inch iron rod with a cap  
10 stamped "Brown & Gay" set for corner;

11 THENCE N 86'59'00" E, along the north line of said called  
12 315.369 acre tract, at a distance of 91.67 feet pass a  
13 1/2-inch iron rod found for the most westerly southwest  
14 corner of a called 2084.715 acre tract of land described in an  
15 instrument filed for record under Harris County Clerk's File  
16 Number Y056225, at a distance of 866.88 feet pass a 1/2-inch  
17 iron rod found for the most westerly southwest corner of a  
18 called 753.684 acre tract of land described in a deed filed  
19 for record under Harris County Clerk's File Number P567184  
20 and continuing for a total distance of 4103.45 feet to a  
21 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the  
22 northwest corner of the herein described tract, some being a  
23 reentrant corner of said called 2084.715 acre tract of land,  
24 and from which a found 1/2-inch iron rod bears N 86'59'00" E,  
25 32.10 feet;

26 THENCE S 03'20'19" E, a distance of 2300.99 feet along the  
27 east line of said called 315.369 acre tract to a 5/8-inch iron



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1 rod with a cap stamped "Brown & Gay" set for the southwest  
2 corner of the herein described tract, some being a reentrant  
3 corner of said called 2084.715 acre tract of land,

4 THENCE S 86'44'37" W, a distance of 3450.07 feet along the  
5 south line of said called 315.369 acre tract to a 2-inch iron  
6 pipe found for an angle point, some being a northwest corner  
7 of said called 2084.715 acre tract and the northeast corner  
8 of Forest Manor Section Two, a subdivision plat filed for the  
9 record under Volume 187, Page 1 of the Harris County Map  
10 Records;

11 THENCE S 86'45'55" W, along the south line of said called  
12 315.369 acre tract, at a distance of 835.62 feet and S  
13 40'37'36" W, 2.94 feet pass a 1-inch iron rod found for the  
14 northwest corner of said Forest Manor Section Two and the  
15 northeast corner of a called 46.701 acre tract of and  
16 described in an instrument filed for a record under Harris  
17 County Clerk's File Number G913462, at a distance of 2599.89  
18 feet and S 02'28'36" E, 1.08 feet pass a 3/4-inch iron pipe  
19 found for the northeast corner of a called 3.0 acre tract of  
20 land described in an instrument filed for record under Harris  
21 County Clerk's File Number B878922, and the most northerly  
22 northwest corner of said called 46.701 acre tract and  
23 continuing for a total distance of 3085.25 feet to a Texas  
24 Department of Transportation brass disk in concrete found in  
25 the east right-of-way line of said Farm-to-Market Road 2100  
26 (width varies), some also being the southeast corner of said  
27 called 2.14 acre right-of-way taking and from which a found

1 Texas Department of Transportation brass disk in concrete  
2 bears S 86'45'55" W, 63.41 feet;

3 THENCE N 12'58'48" E, a distance of 1170.53 feet along the  
4 east line of said 2.14 acre right-of-way acquisition tract  
5 and the east right-of-way line of said Farm-to-Market Road  
6 2100 (width varies) to a Texas Department of Transportation  
7 brass disk in concrete found for an angle point;

8 THENCE N 12'33'48" E, a distance of 397.78 feet along the east  
9 line of said 2.14 acre right-of-way acquisition tract to the  
10 POINT OF BEGINNING and containing 312.64 acre of land.

11 SECTION 3. (a) The legal notice of the intention to  
12 introduce this Act, setting forth the general substance of this  
13 Act, has been published as provided by law, and the notice and a  
14 copy of this Act have been furnished to all persons, agencies,  
15 officials, or entities to which they are required to be furnished  
16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
17 Government Code.

18 (b) The governor, one of the required recipients, has  
19 submitted the notice and Act to the Texas Commission on  
20 Environmental Quality.

21 (c) The Texas Commission on Environmental Quality has filed  
22 its recommendations relating to this Act with the governor, the  
23 lieutenant governor, and the speaker of the house of  
24 representatives within the required time.

25 (d) All requirements of the constitution and laws of this  
26 state and the rules and procedures of the legislature with respect  
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2       SECTION 4. (a) If this Act does not receive a two-thirds  
3 vote of all the members elected to each house, Subchapter C, Chapter  
4 8015, Special District Local Laws Code, as added by Section 1 of  
5 this Act, is amended by adding Section 8015.106 to read as follows:

6       Sec. 8015.106. NO EMINENT DOMAIN POWER. The district may  
7 not exercise the power of eminent domain.

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

11       SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2017.