

By: Calanni

H.B. No. 2660

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Richfield Ranch Water Control and
3 Improvement District of Harris County, Texas; granting a limited
4 power of eminent domain; providing authority to issue bonds;
5 providing authority to impose assessments, fees, and taxes.

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

7 SECTION 1. Subtitle I, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 9086 to read as follows:

9 CHAPTER 9086. RICHFIELD RANCH WATER CONTROL AND IMPROVEMENT

10 DISTRICT OF HARRIS COUNTY, TEXAS

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 9086.0101. DEFINITIONS. In this chapter:

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

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

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

17 (4) "District" means the Richfield Ranch Water Control
18 and Improvement District of Harris County, Texas.

19 Sec. 9086.0102. NATURE OF DISTRICT. The district is a water
20 control and improvement district created under Section 59, Article
21 XVI, Texas Constitution.

22 Sec. 9086.0103. CONFIRMATION AND DIRECTORS' ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 9086.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 9086.0103 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. 9086.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) 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 water control and improvement district as
12 provided by general law and Section 59, Article XVI, Texas
13 Constitution; and

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

18 Sec. 9086.0106. INITIAL DISTRICT TERRITORY. (a) The
19 district is initially composed of the territory described by
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

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

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 9086.0201. GOVERNING BODY; TERMS. (a) The district is
6 governed by a board of five elected directors.

7 (b) Except as provided by Section 9086.0202, directors
8 serve staggered four-year terms.

9 Sec. 9086.0202. TEMPORARY DIRECTORS. (a) On or after the
10 effective date of the Act enacting this chapter, the owner or owners
11 of a majority of the assessed value of the real property in the
12 district may submit a petition to the commission requesting that
13 the commission appoint as temporary directors the five persons
14 named in the petition. The commission shall appoint as temporary
15 directors the five persons named in the petition.

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

17 (1) the date permanent directors are elected under
18 Section 9086.0103; or

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

21 (c) If permanent directors have not been elected under
22 Section 9086.0103 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 9086.0103; or

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

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

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 9086.0301. GENERAL POWERS AND DUTIES. The district
12 has the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 9086.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
15 POWERS AND DUTIES. The district has the powers and duties provided
16 by the general law of this state, including Chapters 49 and 51,
17 Water Code, applicable to water control and improvement districts
18 created under Section 59, Article XVI, Texas Constitution.

19 Sec. 9086.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
20 52, Article III, Texas Constitution, the district may design,
21 acquire, construct, finance, issue bonds for, improve, operate,
22 maintain, and convey to this state, a county, or a municipality for
23 operation and maintenance macadamized, graveled, or paved roads, or
24 improvements, including storm drainage, in aid of those roads.

25 Sec. 9086.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

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

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

11 Sec. 9086.0305. COMPLIANCE WITH MUNICIPAL CONSENT
12 ORDINANCE OR RESOLUTION. The district shall comply with all
13 applicable requirements of any ordinance or resolution that is
14 adopted under Section 42.042 or 42.0425, Local Government Code, and
15 consents to the creation of the district or to the inclusion of land
16 in the district.

17 Sec. 9086.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
18 district may not exercise the power of eminent domain outside the
19 district boundaries to acquire a site or easement for:

20 (1) a recreational facility, as defined by Section
21 49.462, Water Code; or

22 (2) a road project authorized by Section 9086.0303.

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 9086.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
25 The district may issue, without an election, bonds and other
26 obligations secured by:

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

1 (2) contract payments described by Section 9086.0403.

2 (b) The district must hold an election in the manner
3 provided by Chapters 49 and 51, Water Code, to obtain voter approval
4 before the district may impose an ad valorem tax or issue bonds
5 payable from ad valorem taxes.

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

10 Sec. 9086.0402. OPERATION AND MAINTENANCE TAX. (a) If
11 authorized at an election held under Section 9086.0401, the
12 district may impose an operation and maintenance tax on taxable
13 property in the district in accordance with Section 49.107, Water
14 Code.

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

17 Sec. 9086.0403. CONTRACT TAXES. (a) In accordance with
18 Section 49.108, Water Code, the district may impose a tax other than
19 an operation and maintenance tax and use the revenue derived from
20 the tax to make payments under a contract after the provisions of
21 the contract have been approved by a majority of the district voters
22 voting at an election held for that purpose.

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

26 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

27 Sec. 9086.0501. AUTHORITY TO ISSUE BONDS AND OTHER

1 OBLIGATIONS. The district may issue bonds or other obligations
2 payable wholly or partly from ad valorem taxes, impact fees,
3 revenue, contract payments, grants, or other district money, or any
4 combination of those sources, to pay for any authorized district
5 purpose.

6 Sec. 9086.0502. TAXES FOR BONDS. At the time the district
7 issues bonds payable wholly or partly from ad valorem taxes, the
8 board shall provide for the annual imposition of a continuing
9 direct ad valorem tax, without limit as to rate or amount, while all
10 or part of the bonds are outstanding as required and in the manner
11 provided by Chapter 51, Water Code.

12 Sec. 9086.0503. BONDS FOR ROAD PROJECTS. At the time of
13 issuance, the total principal amount of bonds or other obligations
14 issued or incurred to finance road projects and payable from ad
15 valorem taxes may not exceed one-fourth of the assessed value of the
16 real property in the district.

17 Sec. 9086.0504. BONDS FOR RECREATIONAL FACILITIES. (a)
18 The district may develop recreational facilities and issue bonds
19 for recreational facilities as provided by Chapter 49, Water Code,
20 regardless of whether the district's territory overlaps with the
21 territory of a political subdivision that is authorized to develop
22 recreational facilities and issue bonds for recreational
23 facilities under Chapter 49, Water Code.

24 (b) The authority of the district to develop recreational
25 facilities and issue bonds for recreational facilities under this
26 section does not limit the authority of another political
27 subdivision whose territory the territory of the district may

1 overlap, wholly or partly, to develop recreational facilities and
2 issue bonds for recreational facilities under Chapter 49, Water
3 Code.

4 SECTION 2. The Richfield Ranch Water Control and
5 Improvement District of Harris County, Texas, initially includes
6 all the territory contained in the following area:

7 Being a 514.99 acre tract of land located within the Edward
8 Goodsir Survey, A-285, and the H.T.&B.R.R. Co. Survey, A-402, all
9 in Harris County, Texas; said 514.99 acre tract being a part of a
10 call 2523.670 acre tract of land recorded in Harris County Clerk's
11 File (H.C.C.F.) Number U036618 of the Official Public Records of
12 Real Property of Harris County (O.P.R.R.P.H.C) and all of ten (10)
13 call 0.115 acre tracts of land recorded in Clerks File Numbers
14 V919383, V919382, V919381, V919380, Y493816, V925363,
15 RP-2018-129140, V925362, V925364 and V925366 of the O.P.R.R.P.H.C;
16 said 514.99 acre tract being more particularly described by metes
17 and bounds as follows (all bearings are referenced to the south line
18 of said 2523.670 acre tract);

19 Commencing at a 3/4-inch iron rod found at an interior corner
20 of said 2523.670 acre tract and the northeast corner of a call 3.220
21 acre tract of land recorded in Volume 6368, Page 357 of the Harris
22 County Deed Records (H.C.D.R.), and being on the south Right-of-Way
23 (R.O.W.) line of the Union Pacific Railroad (100 feet wide)
24 recorded in Volume 964, Page 88 of the H.C.D.R.;

25 Thence, through said 2523.670 acre tract, South 17 degrees 34
26 minutes 16 seconds West, a distance of 450.37 feet to the Point of
27 Beginning of the herein described tract of land, same being on the

1 common line of said 2523.670 acre tract and a call 523.376 acre
2 tract of land recorded in Clerk's File Number H793053 of the
3 O.P.R.R.P.H.C.;

4 Thence, through said 2523.670 acre tract. the following five
5 (5) courses:

6 1. South 68 degrees 09 minutes 04 seconds East, a
7 distance of 2,829.49 feet;

8 2. 1,014.11 feet along the arc of a curve to the right,
9 said curve having a central angle of 05 degrees 50 minutes 03
10 seconds, a radius of 9,959.16 feet and a chord that bears South 00
11 degrees 42 minutes 03 seconds East, a distance of 1,013.67 feet;

12 3. South 02 degrees 12 minutes 59 seconds West, a
13 distance of 1,730.52 feet;

14 4. 1,477.19 feet along the arc of a curve to the left,
15 said curve having a central angle of 03 degrees 27 minutes 58
16 seconds, a radius of 24,418.32 feet and a chord that bears South 00
17 degrees 29 minutes 00 seconds West, a distance of 1,476.96 feet;

18 5. South 01 degrees 14 minutes 59 seconds East, a
19 distance of 2,109.44 feet to the common line of said 2523.670 acre
20 tract and a call 1158.2 acre tract of land recorded in Volume 3131,
21 Page 393 of the H.C.D.R.;

22 6. Thence, with said common line, South 88 degrees 00
23 minutes 19 seconds West, a distance of 3,191.76 feet to the
24 southwest corner of said 2523.670 acre tract and the southeast
25 corner of a call 100.228 acre tract of land recorded in Clerk's File
26 Number F333086 of the O.P.R.R.P.H.C.;

27 7. Thence, with the west line of said 2523.670 acre

1 tract, the east line of said 100.228 acre tract, the east line of a
2 call 100.228 acre tract of land and a call 40.68 acre tract of land
3 recorded in Clerk's File Number D452281 of the O.P.R.R.P.H.C, the
4 east line of a call 155.64 acre tract of land recorded in Clerk's
5 File Number T055320 of the O.P.R.R.P.H.C., and the east line of
6 aforesaid 523.376 acre tract, North 02 degrees 35 minutes 16
7 seconds West, a distance of 6,474.00 feet;

8 8. Thence, continuing with the common line of said
9 2523.670 acre tract and said 523.376 acre tract, South 67 degrees 45
10 minutes 43 seconds East, a distance of 1,004.43 feet to the
11 southeast corner of said 523.376 acre tract;

12 9. Thence, continuing with said common line, North 02
13 degrees 09 minutes 14 seconds West, a distance of 1,406.52 feet to
14 the Point of Beginning and containing 514.99 acres of land.

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

22 (b) The governor, one of the required recipients, has
23 submitted the notice and Act to the Texas Commission on
24 Environmental Quality.

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 4. (a) Section 9086.0306, Special District Local
7 Laws Code, as added by Section 1 of this Act, takes effect only if
8 this Act receives a two-thirds vote of all the members elected to
9 each house.

10 (b) If this Act does not receive a two-thirds vote of all the
11 members elected to each house, Subchapter C, Chapter 9086, Special
12 District Local Laws Code, as added by Section 1 of this Act, is
13 amended by adding Section 9086.0306 to read as follows:

14 Sec. 9086.0306. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

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

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2019.