

By: Taylor

S.B. No. 2449

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Harris County Municipal Utility  
3 District No. 568; 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 8349 to read as follows:

9 CHAPTER 8349. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 568

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8349.0101. 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. 568.

18 Sec. 8349.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 8349.0103. CONFIRMATION AND DIRECTOR 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. 8349.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 8349.0103 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. 8349.0105. 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. 8349.0106. 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. 8349.0201. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 8349.0202, directors  
6 serve staggered four-year terms.

7           Sec. 8349.0202. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) James M. Pratt;

10                  (2) Eric P. Mayfield;

11                  (3) Spencer Harkness;

12                  (4) Courtney Blackburn; and

13                  (5) Bryson Grover.

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

15                   (1) the date permanent directors are elected under  
16 Section 8349.0103; 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 8349.0103 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 8349.0103; 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. 8349.0301. GENERAL POWERS AND DUTIES. The district  
10 has the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12 Sec. 8349.0302. 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. 8349.0303. 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. 8349.0304. 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. 8349.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
10 ORDINANCE OR RESOLUTION. The district shall comply with all  
11 applicable requirements of any ordinance or resolution that is  
12 adopted under Section 54.016 or 54.0165, Water Code, and that  
13 consents to the creation of the district or to the inclusion of land  
14 in the district.

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 8349.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
17 The district may issue, without an election, bonds and other  
18 obligations secured by:

- 19               (1) revenue other than ad valorem taxes; or  
20               (2) contract payments described by Section 8349.0403.

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

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

1 election held for that purpose.

2 Sec. 8349.0402. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 8349.0401, the  
4 district may impose an operation and maintenance tax on taxable  
5 property in the district in accordance with Section 49.107, Water  
6 Code.

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

9 Sec. 8349.0403. 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. 8349.0501. 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. 8349.0502. 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. 8349.0503. 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 Harris County Municipal Utility District No.  
10 568 initially includes all the territory contained in the following  
11 area:

12 Being 134.40 acres of land located in the Thomas Choate  
13 League, Abstract No. 12, Harris County, Texas; being a portion of  
14 that certain called 381.61 acre tract of land described in an  
15 instrument of record under in Volume 834, Page 533, of the Deed  
16 Records of said Harris County, Texas (H.C.D.R.) (hereinafter  
17 referred to as the 381.61 acre Beamer Tract), of which one quarter  
18 (1/4) interests in said 381.61 acre Beamer Tract were conveyed  
19 equally to Kathryn Beamer Breiling, individually and as Trustee and  
20 Scott Beamer, individually and as Trustee by an instrument of  
21 record under File Number K242495, of the Official Public Records of  
22 Real Property of Harris County, Texas (H.C.O.P.R.R.P.) and a  
23 portion of a separate called 381.61 acre tract of land was conveyed  
24 to George A. Scott by an instrument of record under in Volume 834,  
25 Page 534, H.C.D.R. (hereinafter referred to as the 381.61 acre  
26 Scott Tract), said 130.40 acres being more particularly described  
27 by metes and bounds as follows, all bearings referenced to the Texas

1 Coordinate System, South Central Zone, NAD 83 (1993 adjustment):

2 BEGINNING at a 5/8-inch iron rod with cap stamped "Baseline  
3 Corp" found for the southeast corner of a 3.1271 acre tract of land  
4 (described as Parcel No. 2, Part 2B) conveyed to County of Houston  
5 for the widening of Beamer Road of record under File Number  
6 2014032626, H.C.O.P.R.R.P., also being the northwest corner of  
7 Restricted Reserve "A" of Clear Creek I.S.D. Intermediate School  
8 No. 9, a subdivision of record under Film Code Number 579002, of the  
9 Map Records of Harris County, Texas (H.C.M.R.), said point being on  
10 the easterly right-of-way line of Beamer Road (width varies) Volume  
11 69, Page 231 and Volume 663, Page 272, Deed Records of Harris County  
12 Texas (H.C.D.R.), Volume 315, Page 30, H.C.M.R. and Film Code  
13 Number 579002, H.C.M.R. and File Number 2014032626,  
14 H.C.O.P.R.R.P.;

15 Thence, along the easterly line of said Beamer Road described  
16 in File Number 2014032626, H.C.O.P.R.R.P. the following six (6)  
17 courses:

18 1. North 48° 26' 02" West, 42.19 feet to a 5/8-inch iron rod  
19 with cap stamped "Baseline Corp" found for corner, the beginning of  
20 a curve;

21 2. 141.83 feet, along the arc of a tangent curve to the  
22 right, having a radius of 1,849.86 feet, a central angle of 04° 23'  
23 34", and a chord which bears North 46° 14' 14" West 141.79 feet to a  
24 5/8-inch iron rod with cap stamped "Baseline Corp" found for  
25 corner;

26 3. North 44° 02' 27" West, 304.11 feet to a 5/8-inch iron rod  
27 with cap stamped "Baseline Corp" found for corner, the beginning of

1 a curve;

2 4. 147.99 feet, along the arc of a tangent curve to the left,  
3 having a radius of 1,969.86 feet, a central angle of  $04^{\circ} 18' 16''$ , and  
4 a chord which bears North  $46^{\circ} 11' 35''$  West 147.95 feet to a 5/8-inch  
5 iron rod with cap stamped "Baseline Corp" found for corner;

6 5. North  $48^{\circ} 20' 43''$  West, 1,827.98 feet to a 5/8-inch iron  
7 rod with cap stamped "Baseline Corp" found for corner;

8 6. South  $41^{\circ} 39' 45''$  West, 61.62 feet to a point for the  
9 northwest corner of the aforementioned 3.1271 acre tract, said  
10 point being on the easterly right-of-way line of Beamer Road  
11 described in Volume 663, Page 272, H.C.D.R. (called 60 feet wide at  
12 this point);

13 Thence, North  $48^{\circ} 24' 53''$  West, continuing along the easterly  
14 line of said Beamer Road, 1,216.93 feet to a point for corner;

15 Thence, North  $18^{\circ} 55' 59''$  East, departing said easterly  
16 right-of-way line, at 2.30 feet pass a 5/8-inch iron rod with  
17 aluminum disk stamped HL&P CO PT 103C found for the southwest corner  
18 of a 2.298 acre Houston Lighting & Power Company right-of-way  
19 easement (120 feet wide at this point) granted under File Number  
20 L544227, H.C.O.P.R.R.P., continuing in all a total distance of  
21 54.36 feet to an angle point on the southeasterly line of said  
22 right-of-way easement (80 feet wide at this point);

23 Thence, North  $44^{\circ} 16' 59''$  East, continuing along the  
24 southeasterly line of said right-of-way easement, 520.81 feet to a  
25 point for corner, from which a found 5/8-inch iron rod with aluminum  
26 disk stamped HL&P CO PT 101A at an angle point on the southeasterly  
27 line of said right-of-way easement bears North  $44^{\circ} 16' 59''$  East,

1 360.31 feet;

2 Thence, South 46° 14' 34" East, departing said southeasterly  
3 line and generally along the westerly line of a dirt road, 325.93  
4 feet to a point for corner ;

5 Thence, North 41° 35' 30" East, generally along the remains of  
6 a 4 foot barbed wire fence, 1,134.09 feet to a point for corner on  
7 the easterly line of the aforementioned 381.61 acre Scott Tract,  
8 same being the westerly line of the residue of that certain called  
9 76.52 acre tract described conveyed to Thomas Franklin Riggs,  
10 Catherine Riggs, Brian Riggs and Grace India Riggs by an instrument  
11 of record under File Number F028674, H.C.O.P.R.R.P., to Bumble Bee  
12 Partners, Ltd by an instrument of record under File Number T669265,  
13 H.C.O.P.R.R.P., and to Tessa Ellen Blake by an instrument of record  
14 under File Number W794835, H.C.O.P.R.R.P.;

15 Thence, South 49° 45' 00" East, along the easterly line of  
16 said 381.61 acre Scott Tract and the westerly line of said 76.52  
17 acre tract and its extension along Glenwest Drive (60 feet wide at  
18 this point) as shown on Film Code Number 660047, H.C.M.R., 3,351.29  
19 feet to a 3/4-inch iron pipe for the northeast corner of that  
20 certain called 99.19 acre tract conveyed to Lakefield Realty, Inc.  
21 by an instrument of record under File Number U476294,  
22 H.C.O.P.R.R.P., said point being an angle point on the westerly  
23 right-of-way line of Glenwest Drive;

24 Thence, South 41° 34' 48" West, along the northwesterly line  
25 of said 99.19 acre tract, at 466.79 feet pass a 1-1/4-inch iron pipe  
26 found for the most western northeast corner of Restricted Reserve  
27 "A" of the aforementioned Clear Creek I.S.D. Intermediate School

1 No. 9 subdivision, continuing along the northwest line of said  
2 Reserve "A", in all a total distance of 1,745.13 feet to the POINT  
3 OF BEGINNING and containing 134.40 acre of land.

4 SECTION 3. (a) The legal notice of the intention to  
5 introduce this Act, setting forth the general substance of this  
6 Act, has been published as provided by law, and the notice and a  
7 copy of this Act have been furnished to all persons, agencies,  
8 officials, or entities to which they are required to be furnished  
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
10 Government Code.

11 (b) The governor, one of the required recipients, has  
12 submitted the notice and Act to the Texas Commission on  
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed  
15 its recommendations relating to this Act with the governor, the  
16 lieutenant governor, and the speaker of the house of  
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this  
19 state and the rules and procedures of the legislature with respect  
20 to the notice, introduction, and passage of this Act are fulfilled  
21 and accomplished.

22 SECTION 4. (a) If this Act does not receive a two-thirds  
23 vote of all the members elected to each house, Subchapter C, Chapter  
24 8349, Special District Local Laws Code, as added by Section 1 of  
25 this Act, is amended by adding Section 8349.0306 to read as follows:

26 Sec. 8349.0306. NO EMINENT DOMAIN POWER. The district may  
27 not exercise the power of eminent domain.

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

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