

By: Kolkhorst

S.B. No. 2472

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Richfield Ranch Water Control and Improvement District of Harris County, Texas; 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9086 to read as follows:

CHAPTER 9086. RICHFIELD RANCH WATER CONTROL AND IMPROVEMENT

DISTRICT OF HARRIS COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9086.0101. 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 Richfield Ranch Water Control and Improvement District of Harris County, Texas.

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

Sec. 9086.0103. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to 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, including the collection, transportation,
14 processing, disposal, and control of domestic, industrial, or
15 communal waste and the gathering, conducting, diverting, and
16 control of local stormwater or other harmful excesses of water; and

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

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

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

1 (1) organization, existence, or validity;

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

5 (3) right to impose a tax; or

6 (4) legality or operation.

7 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

20 (1) the date permanent directors are elected under
21 Section 9086.0103; or

22 (2) the fourth anniversary of the effective date of
23 the Act enacting this chapter.

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

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Section 9086.0103; or

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

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

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 9086.0301. GENERAL POWERS AND DUTIES. The district
15 has the powers and duties necessary to accomplish the purposes for
16 which the district is created.

17 Sec. 9086.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
18 POWERS AND DUTIES. The district has the powers and duties provided
19 by the general law of this state, including Chapters 49 and 51,
20 Water Code, applicable to water control and improvement districts
21 created under Section 59, Article XVI, Texas Constitution, and
22 specifically including the powers and duties authorized under
23 Subchapter H, Chapter 51, Water Code.

24 Sec. 9086.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
25 52, Article III, Texas Constitution, the district may design,
26 acquire, construct, finance, issue bonds for, improve, operate,
27 maintain, and convey to this state, a county, or a municipality for

1 operation and maintenance macadamized, graveled, or paved roads, or
2 improvements, including storm drainage, in aid of those roads.

3 Sec. 9086.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
4 road project must meet all applicable construction standards,
5 zoning and subdivision requirements, and regulations of each
6 municipality in whose corporate limits or extraterritorial
7 jurisdiction the road project is located.

8 (b) If a road project is not located in the corporate limits
9 or extraterritorial jurisdiction of a municipality, the road
10 project must meet all applicable construction standards, zoning and
11 subdivision requirements, and regulations of each county in which
12 the road project is located.

13 (c) If the state will maintain and operate the road, the
14 Texas Transportation Commission must approve the plans and
15 specifications of the road project.

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

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

25 (1) a recreational facility, as defined by Section
26 49.462, Water Code; or

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9086.0401. ELECTIONS REGARDING TAXES OR BONDS.

(a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9086.0403.

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

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

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

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

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

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

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5 Sec. 9086.0501. AUTHORITY TO ISSUE BONDS AND OTHER
6 OBLIGATIONS. The district may issue bonds or other obligations
7 payable wholly or partly from ad valorem taxes, impact fees,
8 revenue, contract payments, grants, or other district money, or any
9 combination of those sources, to pay for any authorized district
10 purpose.

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

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

22 Sec. 9086.0504. BONDS FOR RECREATIONAL FACILITIES.

23 (a) The district may develop recreational facilities and issue
24 bonds for recreational facilities as provided by Chapter 49, Water
25 Code, regardless of whether the district's territory overlaps with
26 the territory of a political subdivision that is authorized to
27 develop recreational facilities and issue bonds for recreational

1 facilities under Chapter 49, Water Code.

2 (b) The authority of the district to develop recreational
3 facilities and issue bonds for recreational facilities under this
4 section does not limit the authority of another political
5 subdivision whose territory the territory of the district may
6 overlap, wholly or partly, to develop recreational facilities and
7 issue bonds for recreational facilities under Chapter 49, Water
8 Code.

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

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

24 Commencing at a 3/4-inch iron rod found at an interior corner
25 of said 2523.670 acre tract and the northeast corner of a call 3.220
26 acre tract of land recorded in Volume 6368, Page 357 of the Harris
27 County Deed Records (H.C.D.R.), and being on the south Right-of-Way

1 (R.O.W.) line of the Union Pacific Railroad (100 feet wide)
2 recorded in Volume 964, Page 88 of the H.C.D.R.;

3 Thence, through said 2523.670 acre tract, South 17 degrees 34
4 minutes 16 seconds West, a distance of 450.37 feet to the Point of
5 Beginning of the herein described tract of land, same being on the
6 common line of said 2523.670 acre tract and a call 523.376 acre
7 tract of land recorded in Clerk's File Number H793053 of the
8 O.P.R.R.P.H.C.;

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

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

13 2. 1,014.11 feet along the arc of a curve to the right,
14 said curve having a central angle of 05 degrees 50 minutes 03
15 seconds, a radius of 9,959.16 feet and a chord that bears South 00
16 degrees 42 minutes 03 seconds East, a distance of 1,013.67 feet;

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

19 4. 1,477.19 feet along the arc of a curve to the left,
20 said curve having a central angle of 03 degrees 27 minutes 58
21 seconds, a radius of 24,418.32 feet and a chord that bears South 00
22 degrees 29 minutes 00 seconds West, a distance of 1,476.96 feet;

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

27 6. Thence, with said common line, South 88 degrees 00

1 minutes 19 seconds West, a distance of 3,191.76 feet to the
2 southwest corner of said 2523.670 acre tract and the southeast
3 corner of a call 100.228 acre tract of land recorded in Clerk's File
4 Number F333086 of the O.P.R.R.P.H.C.;

5 7. Thence, with the west line of said 2523.670 acre
6 tract, the east line of said 100.228 acre tract, the east line of a
7 call 100.228 acre tract of land and a call 40.68 acre tract of land
8 recorded in Clerk's File Number D452281 of the O.P.R.R.P.H.C, the
9 east line of a call 155.64 acre tract of land recorded in Clerk's
10 File Number T055320 of the O.P.R.R.P.H.C., and the east line of
11 aforesaid 523.376 acre tract, North 02 degrees 35 minutes 16
12 seconds West, a distance of 6,474.00 feet;

13 8. Thence, continuing with the common line of said
14 2523.670 acre tract and said 523.376 acre tract, South 67 degrees 45
15 minutes 43 seconds East, a distance of 1,004.43 feet to the
16 southeast corner of said 523.376 acre tract;

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

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

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

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

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

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

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2019.