

By: Kolkhorst

S.B. No. 2474

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 569; 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 8057 to read as follows:

CHAPTER 8057. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 569

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8057.0101. 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 Harris County Municipal Utility District No. 569.

Sec. 8057.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8057.0103. CONFIRMATION AND DIRECTOR 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. 8057.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8057.0103 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. 8057.0105. 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. 8057.0106. 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. 8057.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 8057.0202, directors
6 serve staggered four-year terms.

7 Sec. 8057.0202. 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 8057.0103; 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 8057.0103 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 8057.0103; 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. 8057.0301. 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. 8057.0302. 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. 8057.0303. 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. 8057.0304. 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. 8057.0305. 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. 8057.0401. ELECTIONS REGARDING TAXES OR BONDS.

17 (a) 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 8057.0403.

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. 8057.0402. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8057.0401, 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. 8057.0403. 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. 8057.0501. 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. 8057.0502. 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. 8057.0503. 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
10 No. 569 initially includes all the territory contained in the
11 following area:

12 A metes & bounds description of a 568.86 acre tract of land in
13 the H. & T. C. Railroad Company Survey Section 129, Abstract 1715,
14 and the W. I. Williamson Survey, Abstract 1591, Harris County,
15 Texas, being comprised of a portion of that certain called
16 1,263.584 acre tract recorded under County Clerk's File Number
17 M959038, Official Public Records of Real Property, Harris County,
18 Texas, and a portion of that certain called 0.673 acre tract
19 recorded under County Clerk's File Number M959039, Official Public
20 Records of Real Property, Harris County, Texas, with all bearings
21 based upon the Texas Coordinate System of 1983, South Central Zone,
22 based upon GPS observations.

23 Beginning at the southeast corner of said H. & T. C. Railroad
24 Company Survey Section 129, Abstract 1715, same being the southwest
25 corner of the adjoining George Spencer Survey, Abstract 1366, the
26 northwest corner of the adjoining H. & T. C. Railroad Company Survey
27 Section 79, Abstract 464, and the northeast corner of the adjoining

1 J. W. McCutcheon Survey Abstract 1713, as located in the
2 intersection of Pitts Road and Stockdick School Road for the
3 southeast corner of said called 1,263.584 acre tract, and the
4 southeast corner and Point of Beginning of the herein described
5 tract;

6 Thence South 87 degrees 58 minutes 25 seconds West along the
7 south line of the herein described tract, the south line of said
8 called 1,263.584 acre tract, and the south line of said H. & T. C.
9 Railroad Company Survey Section 129, Abstract 1715, same being the
10 north line of said adjoining J. W. McCutcheon Survey, Abstract
11 1713, and the north line of the adjoining residue of a called
12 1,277.0358 acre tract recorded in Volume 313, Page 416, Deed
13 Records, Waller County, Texas, 1,915.78 feet to the intersection of
14 said line with the Harris-Waller County line;

15 Thence North 18 degrees 54 minutes 19 seconds West along the
16 Harris-Waller County line, 8,291.16 feet to the intersection of
17 said line with the north line of the aforementioned W. I. Williamson
18 Survey, Abstract 1591, said point being in the north line of the
19 aforementioned called 0.673 acre tract, and being in the south line
20 of the adjoining W. C. Pitts Survey, Abstract 1421, and the south
21 line of an adjoining called 57.3029 acre tract recorded under
22 County Clerk's File Number T720175, Official Public Records of Real
23 Property, Harris County, Texas;

24 Thence North 88 degrees 01 minute 17 seconds East along the
25 north line of the herein described tract, the north line of said
26 called 0.673 acre tract, and the north line of said W. I. Williamson
27 Survey, Abstract 1591, same being the south line of said adjoining

1 W. C. Pitts Survey, Abstract 1421, the south line of said adjoining
2 called 57.3029 acre tract, the south line of an adjoining called
3 28.67 acre tract recorded under County Clerk's File Number
4 20090481511, Official Public Records of Real Property, Harris
5 County, Texas, the south line of an adjoining called 28.651 acre
6 tract recorded under County Clerk's File Number V351108, Official
7 Public Records of Real Property, Harris County, Texas, the south
8 line of an adjoining called 10.00 acre tract recorded under County
9 Clerk's File Number 20150355035, Official Public Records of Real
10 Property, Harris County, Texas, the south line of an adjoining
11 called 30.00 acre tract recorded under County Clerk's File Number
12 20080536265, Official Public Records of Real Property, Harris
13 County, Texas, and the south line of an adjoining called 11.370 acre
14 tract recorded under County Clerk's File Number 20090481511,
15 Official Public Records of Real Property, Harris County, Texas,
16 4,330.03 feet to the northeast corner of the herein described tract
17 and said W. I. Williamson Survey, Abstract 1591, same being the
18 southeast corner of said adjoining W. C. Pitts Survey, Abstract
19 1421, and being in the west line of the adjoining H. & T. C. Railroad
20 Company Survey Section 77, Abstract 463;

21 Thence South 02 degrees 03 minutes 19 seconds East along the
22 east line of the herein described tract and said W. I. Williamson
23 Survey, Abstract 1591, same being the west line of said adjoining H.
24 & T. C. Railroad Company Survey Section 77, Abstract 463, as located
25 in Pitts Road, 2,633.29 feet to an angle point, said point being the
26 southeast corner of said W. I. Williamson Survey, Abstract 1591,
27 the southwest corner of said adjoining H. & T. C. Railroad Company

1 Survey Section 77, Abstract 463, the northwest corner of the
2 aforementioned adjoining George Spencer Survey, Abstract 1366, and
3 the northeast corner of the aforementioned H. & T. C. Railroad
4 Company Survey Section 129, Abstract 1715, as located in the
5 intersection of Pitts Road and Beckendorff Road;

6 Thence South 01 degree 54 minutes 10 seconds East along the
7 east line of the herein described tract and said H. & T. C. Railroad
8 Company Survey Section 129, Abstract 1715, same being the west line
9 of said adjoining George Spencer Survey, Abstract 1366, as located
10 in Pitts Road, 2,651.18 feet to an angle point;

11 Thence South 01 degree 58 minutes 19 seconds East continuing
12 along said line, 2,645.90 feet to the Point of Beginning and
13 containing 568.86 acres of land, more or less.

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

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

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

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

5 SECTION 4. (a) If this Act does not receive a two-thirds
6 vote of all the members elected to each house, Subchapter C, Chapter
7 8057, Special District Local Laws Code, as added by Section 1 of
8 this Act, is amended by adding Section 8057.0306 to read as follows:

9 Sec. 8057.0306. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

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

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