

By: Bettencourt

S.B. No. 2523

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 572; 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 8026 to read as follows:

CHAPTER 8026. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 572

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8026.0101. 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. 572.

Sec. 8026.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8026.0103. 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. 8026.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8026.0103 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. 8026.0105. 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. 8026.0106. 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. 8026.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8026.0202, directors
6 serve staggered four-year terms.

7 Sec. 8026.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Steve Habachy;

10 (2) John Linker;

11 (3) Mark Ramos;

12 (4) Jonathan Sanders; and

13 (5) Chris Barnes.

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

15 (1) the date permanent directors are elected under
16 Section 8026.0103; 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 8026.0103 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 8026.0103; 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. 8026.0301. 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. 8026.0302. 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. 8026.0303. 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. 8026.0304. 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. 8026.0305. 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. 8026.0401. 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 8026.0403.

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. 8026.0402. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8026.0401, 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. 8026.0403. 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. 8026.0501. 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. 8026.0502. 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. 8026.0503. 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. 572 initially includes all the territory contained in the
11 following area:

12 Being 54.749 acres of land, in the William Hurd Survey, A-376
13 and the F. Benignus Survey, A-1463, Harris County, Texas, being a
14 portion of PARKSIDE GRAND PARKWAY RESERVE, according to the plat
15 thereof recorded under Film Code Number 683283 in the Map Records of
16 Harris County, Texas, and being more particularly described by
17 metes and bounds as follows: (All bearings based on the Texas
18 Coordinate System of 1983, South Central Zone)

19 COMMENCING at a 5/8 inch iron rod with cap stamped "Rods
20 Surveying Inc." found for the northwest corner of said PARKSIDE
21 GRAND PARKWAY RESERVE and being the northwest corner of a 0.2941
22 acre tract dedicated to the public for right-of-way purposes as
23 shown on said plat of PARKSIDE GRAND PARKWAY RESERVE;

24 THENCE North 87° 26' 12" East - 20.00 feet, with the north line
25 of said PARKSIDE GRAND PARKWAY RESERVE and said 0.2941 acre tract,
26 to a 5/8-inch iron rod with "IDS" cap set for the northwest corner
27 and POINT OF BEGINNING of the herein described tract and being the

1 northeast corner of said 0.2941 acre tract;

2 THENCE North 87° 26' 12" East - 1645.07 feet, with the north
3 line of the herein described tract and the south line of the 15.668
4 acre tract described in the deed from Roy H. Barrett to Premier
5 Baseball Real Estate recorded in File Number 20120587605 in the
6 Official Public Records of Real Property of Harris County, Texas,
7 to a 5/8-inch iron rod with cap stamped "IDS" found for the
8 northeast corner of the herein described tract, in the west line of
9 the 3.11 acre tract described in the deeds from Judith Mullen as
10 Executrix for the Estate Of John W. Mullen to Lillian Jaeger Hall
11 (1/2 Interest) recorded in File Number V164309 in the Official
12 Public Records of Real Property of Harris County, Texas and the deed
13 from Paul Fehrle to Lawrence Lind and Michael Fitzmaurice (1/2
14 Interest) recorded in File Number G130286 in the Official Public
15 Records of Real Property of Harris County, Texas;

16 THENCE South 02° 31' 19" East - 1581.42 feet, with the west
17 line of said 3.11 acre tract, to a 5/8-inch iron rod with cap
18 stamped "IDS" found for the southeast corner of the herein
19 described tract and being the northeast corner of the residue of a
20 called 111.8154 acre tract described in the deed from HSIEN DAO
21 CHANG, TRUSTEE to ROSEHILL PROPERTIES, LLC recorded in File Number
22 RP-2017-430616 in the Official Public Records of Real Property of
23 Harris County, Texas;

24 THENCE South 88° 19' 57" West - 627.31 feet, with the line
25 common to the herein described tract and said residue tract, to a
26 5/8-inch iron rod with cap stamped "IDS" found for an angle point on
27 the north right-of-way line of State Highway 99 Grand Parkway

1 (R.O.W. Varies);

2 THENCE with northerly lines of said State Highway 99 the
3 following courses and distances:

4 North 13° 27' 48" East - 56.51 feet to a TXDOT monument
5 found for the beginning of a non-tangent curve to the right; in a
6 westerly direction, with said curve to the right, having a central
7 angle of 00° 58' 17", a chord bearing and distance of North 76° 06'
8 03" West - 188.67 feet, a radius of 11127.71 feet, and an arc
9 distance of 188.67 feet to a TXDOT monument found for the end of
10 curve;

11 North 75° 36' 54" West - 958.09 feet, to a 5/8-inch iron
12 rod with cap stamped "IDS" set for the southwest corner of the
13 herein described tract, at the northeast intersection of said State
14 Highway 99 Grand Parkway and Cypress-Rosehill Road (width varies);

15 THENCE with the east right-of-way line of said
16 Cypress-Rosehill Road the following courses and distances:

17 North 02° 28' 33" East - 108.79 feet, to a 5/8-inch iron
18 rod with cap stamped "MILLER" found for an angle corner;

19 North 11° 10' 09" East - 71.87 feet, to a TXDOT monument
20 found for the beginning of a curve to the left; in a northerly
21 direction, with said curve to the left, having a central angle of
22 17° 10' 54", a chord bearing and distance of North 06° 07' 34" East -
23 253.91 feet, a radius of 849.89 feet, and an arc distance of 254.86
24 feet to a PK nail with washer stamped "IDS" set for the end of curve;

25 North 02° 27' 53" West - 138.89 feet, to a 5/8-inch iron
26 rod with cap stamped "IDS" found for the southeast corner of said
27 0.2941 acre tract, from which a found TXDOT monument, bears South

1 87° 32' 07" West - 21.57 feet;

2 North 02° 34' 19" West - 616.47 feet, to the POINT OF
3 BEGINNING of the herein described tract and containing 54.749 acres
4 of land.

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

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

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

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

23 SECTION 4. (a) If this Act does not receive a two-thirds
24 vote of all the members elected to each house, Subchapter C, Chapter
25 8026, Special District Local Laws Code, as added by Section 1 of
26 this Act, is amended by adding Section 8026.0306 to read as follows:

27 Sec. 8026.0306. NO EMINENT DOMAIN POWER. The district may

1 not exercise the power of eminent domain.

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

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