By:  Cain (Senate Sponsor - Creighton) H.B. No. 4669

(In the Senate - Received from the House May 19, 2021; May 19, 2021, read first time and referred to Committee on Local Government; May 21, 2021, reported favorably by the following vote: Yeas 7, Nays 0; May 21, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Menéndez          X

Eckhardt          X

Gutierrez                   X

Hall              X

Nichols           X

Paxton            X

Springer          X

Zaffirini                   X

A BILL TO BE ENTITLED

AN ACT

relating to the boundaries of the Harris County Water Control and Improvement District No. 70.

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

SECTION 1.  DEFINITION. In this Act, "district" means the Harris County Water Control and Improvement District No. 70.

SECTION 2.  EXCLUSION OF TERRITORY.  The boundaries of the district are adjusted to exclude the following parcel of land:

TRACT I:

330.7242 acres of land situated in Harris County, Texas, out of the William Whitlock League, Abstract 85, and the Absolom Reeves Survey Abstract 60 (also known as the Hannah Nash Labor. Abstract 599), said 330.7242 acres being more particularly described by metes and bounds as follows:

Beginning at a Point for corner being the intersection of the East line of a 40 foot easement to United Gas Pipeline Company as described in deeds recorded in Volume 3278 at Page 32. Volume 3278 at Page 34 and Volume 3545 at Page 559 of the Deed Records of Harris County, Texas, with the South line of Lake Shadows, Section Three, as shown on the plat recorded in Volume 86, Page 1 of the Map Records of Harris County, Texas;

Thence, N. 87 deg. 16" 17" E., 452.87 feet to a point for corner and being the Southeast corner of Bridgewood Road as shown on said plat of Lake Shadows, Section Three;

Thence, N. 02 deg. 43' 43" W., 135.00 feet to a point for corner:

Thence, N 87 deg. 16' 17" E., 4,614.21 feet along the South line of Lake Shadows, Section Three and a Replat of part of Lake Shadows, Section Three, as shown on plat recorded in Volume 191 at Page 49 of the Map Records of Harris County, Texas;

Thence, N 02 deg. 43' 43" W., 200.00 feet to a point for corner being the Northeast corner of said Replat of Lake Shadows, Section Three;

Thence, N 87 deg. 16' 17" E. at 731.10 feet pass a 3/4" iron rod marking the East line of the William Whitlock League and the West line of the Absolom Reeves Survey, at 745.70 feet past a 5/8" iron-rod marking the Southwest corner of Hannah Nash Road as described in Deed recorded in Volume 2334 at Page 467 of the Deed Records of Harrris County, Texas and at 825.72 feet pass a 5/8" iron rod marking the Southeast corner of said Hannah Nash Road, in all a total distance of 902.85 feet to a point for corner in a fence;

Thence, S 03 deg. 10' 34" E., 2,433.16 feet to a fence for a corner for the Southeast corner of this tract;

Thence, S 86 deg. 54' 51" W., 300.73 feet along fence line;

Thence, S 87 deg. 14' 01" W., 1,829.70 feet along fence line;

Thence, S 86 deg. 14'02" W., 814.96 feet along fence line;

Thence, S 86 deg. 55' 04" W., 2,486.17 feet along fence line;

Thence, S 86 deg. 49' 23" W., 1,340.47 feet along fence line to a point for corner in the East line of said easement to United Gas Pipeline Company;

Thence, N 17 deg. 21' 00" E., 2,280.35 feet along !he East line of said easement to the POINT OF BEGINNING and containing 330.7242 acres of land.

TRACT II:

Being approximately 118.18 acres, more or less out of 158.1189 acres of land, more or less, situated in Harris County, Texas, out of the William Whitlock League, Abstract 85 and the Absolom Reeves Survey, Abstract 60 (also known as the Hannah Nash Labor, Abstract 599), said 158.1189 acres being more fully described by metes and bounds as follows:

Beginning at a 5/8" iron rod found being S 02° 33' 14" E, 10,254.70 feet by call, and N 87° 16' 17" E, 14.6 feet from the Northeast corner of the said William Whitlock League and being a point in the West right-of-way line of Hannah Nash Road, based on 80 foot width at this point, described in deed from Lewis Earle Dallas and William Woodrow Dallas to Harris County recorded in Volume 2334 at Page 467, Deed Records of Harris County, Texas:

Thence, S 02° 33' 14" E, 1132.64 feet along the West right-of-way line of Hannah Nash Road to its intersection with the North line of Foley Road as described in deed from Talmage Guy, Trustee to Harris County recorded in Volume 4457 at Page 321 of the Deed Records of Harris County, Texas, said Foley Road being 80.00 feet *in* width;

Thence, S 87° 18' 27 "W, 518.65 feet along said North right-of-way line of Foley Road to a point of Curvature;

Thence Southwesterly along a curve to the left having a central angle of 23° 10' 54" and a radius of 1035.32 feet an arc length of 418.89 feet to a point of reverse curve from which the center of a curve to the right bears N 25° 52' 27" W, 960.00 feet;

Thence Southwesterly along said curve to the right having a central angle of 23° 04' 02" and a radius of 960.00 feet an arc distance of 386.50 feet to a point of tangency which bears S 02° 48' 25" E, 960.00 feet from said center of curvature;

Thence, S 87° 16' 17" W, 4373.53 feet along the North right-of-way line of Foley Road to a point in the East line of a 50-foot-wide easement, the centerline of which is described in deed from Wm. E. Dwyer to Dixie Gulf Gas Company, a corporation (whose rights the United Gas Pipe Line Company has succeeded) recorded in Volume 2350 at Page 287 of the Deed Records of Harris County, Texas;

Thence, N 17° 21' 00" E, 1376.58 feet along the East line of said easement to a point for corner;

Thence, N 87° 16' 17" E, 5206.68 feet to the POINT OF BEGINNING and containing 158.1189 acres of land, being the same property described as "TRACT 1" in a deed dated June 15, 1973 and filed of record in the Real Property Records of Harris County, Texas, under County Clerk's File No. D901880 and Film code number 163-24-2443.

TRACT III:

Unrestricted Reserve "D", in Block 7 of LAKE SHADOWS SECTION THREE Replat, an addition in Harris County, Texas according to the map or plat thereof recorded in Volume 19 1, Page 49 of the Map Records of Harris County, Texas.

TRACT IV:

Unrestricted Reserve "A", in Block 7 of LAKE SHADOWS SECTION THREE Replat, an addition in Harris County, Texas according to the map or plat thereof recorded in Volume 191, Page 49 of the Map Records of Harris County, Texas.

TRACT V:

A tract of land containing 2.01 acres known as Tract 4G, Abstract 85, William Whitlock, lying and being situated in Harris County, Texas, out of the William Whitlock League, Abstract 85, and the Absolom Reeves Survey, Abstract 60 (also known as the Hannah Nash Labor, Abstract 599), said 2.01 acres being more fully described by metes and bounds as follows:

Beginning at a 5/8 inch iron rod found along the West Right-Of-Way line of Hannah Nash Road (a.k.a. Dallas Road, based on a width of 60.00 feet) marking the Southeast corner of the herein described tract of land;

Thence, South 87° 16' 17'' West, for a distance of 974.26 feet to a 1-1/2 inch iron pipe found along the South R.O.W. line of Foley Road (based on a width of 80.00 feet) marking the Southwest corner;

Thence, in a Northeasterly direction along said Foley Road, following a curve to the left having a radius of 1040 feet, for a distance of 85.62 feet (called 85.63 feet) to a 5/8 inch iron rod set marking an interior corner;

Thence, continuing along said Foley Road in an Easterly direction along a curve to the right having a radius of955.32 feet, for a distance of 386.52 feet to a 1-1/2 inch iron pipe found marking an interior corner;

Thence, No11h 87 ° 18' 27" East following said Foley Road, for a distance of 518.46 feet to a 5/8 inch iron rod set at the intersection of the West Right-Of-Way line of said Hannah Nash Road and the South R.O.W. line of said Foley Road marking the northeast corner;

Thence, South 02° 33' 14" East along the West R.O.W. line of Hannah Nash Road, for a distance of 106.95 feet to the Point of Beginning containing 2.01 acres (87,564.84 square feet) of land, more or less, and all strips and gores contiguous or adjacent thereto.

SECTION 3.  RIGHTS OF BONDHOLDERS. The exclusion of property under this Act does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district.

SECTION 4.  APPORTIONMENT OF DISTRICT INDEBTEDNESS. (a) The excluded property is not released from the payment of its pro rata share of the district's indebtedness.

(b)  Subject to Subsection (c) of this section, the district shall continue to levy taxes each year on the property excluded from the district at the same rate levied on other property of the district until the property's pro rata share of the indebtedness of the district on the effective date of this Act has been paid. The taxes collected shall be applied exclusively to the payment of the excluded property's pro rata share of the indebtedness.

(c)  The owner of any part of the excluded property at any time may pay in full the owner's share of the pro rata share of the indebtedness of the district.

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

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

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

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

SECTION 6.  EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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