

1-1 By: Oliverson (Senate Sponsor - Kolkhorst) H.B. No. 4594
 1-2 (In the Senate - Received from the House May 10, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on Local
 1-4 Government; May 19, 2021, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Harris County Municipal Utility
 1-20 District No. 576; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7926A to read as follows:

1-26 CHAPTER 7926A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 576

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7926A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.

1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Harris County Municipal
 1-34 Utility District No. 576.

1-35 Sec. 7926A.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 7926A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7926A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7926A.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district.

1-48 Sec. 7926A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
 1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
 1-54 relate to the construction, acquisition, improvement, operation,
 1-55 or maintenance of macadamized, graveled, or paved roads, or
 1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 7926A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-58 district is initially composed of the territory described by
 1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
 1-61 the Act enacting this chapter form a closure. A mistake made in the

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:
 2-3 (1) organization, existence, or validity;
 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
 2-7 (3) right to impose a tax; or
 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 7926A.0201. GOVERNING BODY; TERMS. (a) The district
 2-11 is governed by a board of five elected directors.

2-12 (b) Except as provided by Section 7926A.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 7926A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-15 board consists of:

- 2-16 (1) Mark Crosswell;
- 2-17 (2) Fred Wick;
- 2-18 (3) Aaron Brown;
- 2-19 (4) Tim Garde; and
- 2-20 (5) John Connolly.

2-21 (b) Temporary directors serve until the earlier of:

2-22 (1) the date permanent directors are elected under
 2-23 Section 7926A.0103; or

2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 7926A.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

2-31 (1) the date permanent directors are elected under
 2-32 Section 7926A.0103; or

2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7926A.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 7926A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 7926A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-52 Section 52, Article III, Texas Constitution, the district may
 2-53 design, acquire, construct, finance, issue bonds for, improve,
 2-54 operate, maintain, and convey to this state, a county, or a
 2-55 municipality for operation and maintenance macadamized, graveled,
 2-56 or paved roads, or improvements, including storm drainage, in aid
 2-57 of those roads.

2-58 Sec. 7926A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-59 road project must meet all applicable construction standards,
 2-60 zoning and subdivision requirements, and regulations of each
 2-61 municipality in whose corporate limits or extraterritorial
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
 2-64 or extraterritorial jurisdiction of a municipality, the road
 2-65 project must meet all applicable construction standards,
 2-66 subdivision requirements, and regulations of each county in which
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.
 3-2 Sec. 7926A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-3 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-4 applicable requirements of any ordinance or resolution that is
 3-5 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-6 consents to the creation of the district or to the inclusion of land
 3-7 in the district.

3-8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-9 Sec. 7926A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-10 The district may issue, without an election, bonds and other
 3-11 obligations secured by:

3-12 (1) revenue other than ad valorem taxes; or
 3-13 (2) contract payments described by Section
 3-14 7926A.0403.

3-15 (b) The district must hold an election in the manner
 3-16 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-17 before the district may impose an ad valorem tax or issue bonds
 3-18 payable from ad valorem taxes.

3-19 (c) The district may not issue bonds payable from ad valorem
 3-20 taxes to finance a road project unless the issuance is approved by a
 3-21 vote of a two-thirds majority of the district voters voting at an
 3-22 election held for that purpose.

3-23 Sec. 7926A.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-24 authorized at an election held under Section 7926A.0401, the
 3-25 district may impose an operation and maintenance tax on taxable
 3-26 property in the district in accordance with Section 49.107, Water
 3-27 Code.

3-28 (b) The board shall determine the tax rate. The rate may not
 3-29 exceed the rate approved at the election.

3-30 Sec. 7926A.0403. CONTRACT TAXES. (a) In accordance with
 3-31 Section 49.108, Water Code, the district may impose a tax other than
 3-32 an operation and maintenance tax and use the revenue derived from
 3-33 the tax to make payments under a contract after the provisions of
 3-34 the contract have been approved by a majority of the district voters
 3-35 voting at an election held for that purpose.

3-36 (b) A contract approved by the district voters may contain a
 3-37 provision stating that the contract may be modified or amended by
 3-38 the board without further voter approval.

3-39 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-40 Sec. 7926A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 3-41 OBLIGATIONS. The district may issue bonds or other obligations
 3-42 payable wholly or partly from ad valorem taxes, impact fees,
 3-43 revenue, contract payments, grants, or other district money, or any
 3-44 combination of those sources, to pay for any authorized district
 3-45 purpose.

3-46 Sec. 7926A.0502. TAXES FOR BONDS. At the time the district
 3-47 issues bonds payable wholly or partly from ad valorem taxes, the
 3-48 board shall provide for the annual imposition of a continuing
 3-49 direct ad valorem tax, without limit as to rate or amount, while all
 3-50 or part of the bonds are outstanding as required and in the manner
 3-51 provided by Sections 54.601 and 54.602, Water Code.

3-52 Sec. 7926A.0503. BONDS FOR ROAD PROJECTS. At the time of
 3-53 issuance, the total principal amount of bonds or other obligations
 3-54 issued or incurred to finance road projects and payable from ad
 3-55 valorem taxes may not exceed one-fourth of the assessed value of the
 3-56 real property in the district.

3-57 SECTION 2. The Harris County Municipal Utility District
 3-58 No. 576 initially includes all the territory contained in the
 3-59 following area:

3-60 Being a 617.0 acre tract of land located in the James O'Brien
 3-61 Survey, Abstract No. 615 in Harris County, Texas; said 617.0 acre
 3-62 tract being all of a called 617.0 acre tract of land recorded in the
 3-63 name of Emptor Hockley, LLC. in Clerk's File (C.F.)
 3-64 No. RP-2020-106668 of the Official Public Records of Real Property
 3-65 of Harris County (O.P.R.R.P.H.C.); said 617.0 acre tract being more
 3-66 particularly described by metes and bounds as follows (all bearings
 3-67 are referenced to the Texas Coordinate System, North American Datum
 3-68 of 1983 (NAD83), South Central Zone):

3-69 Beginning at a 1/2-inch iron rod found at the most easterly

4-1 southeast corner of said 617.0 acre tract and the northeast corner
4-2 of a called 10.0814 acre tract of land recorded in the name of C.
4-3 Sanchez Children's Commercial Real Estate Investments, Ltd. in C.F.
4-4 No. RP-2019-1083 of the O.P.R.R.P.H.C., and being on the westerly
4-5 right-of-way line of Warren Ranch Road (60-feet wide);
4-6 1. Thence, with a southerly line of said 617.0 acre tract
4-7 and the northerly line of said 10.0814 acre tract, South 88 degrees
4-8 40 minutes 41 seconds West, a distance of 256.66 feet to a 5/8-inch
4-9 iron rod with cap stamped "COSTELLO INC" found;
4-10 2. Thence, continuing with said southerly line of the 617.0
4-11 acre tract and the northerly line of said 10.0814 acre tract, South
4-12 88 degrees 48 minutes 30 seconds West, a distance of 360.03 feet to
4-13 a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at an
4-14 interior corner of said 617.0 acre tract and the northwest corner of
4-15 said 10.0814 acre tract;
4-16 3. Thence, with an easterly line of said 617.0 acre tract
4-17 and the westerly line of said 10.0814 acre tract, South 02 degrees
4-18 08 minutes 06 seconds East, a distance of 713.51 feet to a 1/2-inch
4-19 iron rod found at the most southerly southeast corner of said 617.0
4-20 acre tract and the southwest corner of said 10.0814 acre tract, and
4-21 being on the northerly right-of-way line of Mound Road (50-feet
4-22 wide);
4-23 4. Thence, with the southerly line of said 617.0 acre tract
4-24 and said northerly right-of-way line of Mound Road, South 87
4-25 degrees 56 minutes 38 seconds West, a distance of 968.79 feet to a
4-26 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
4-27 5. Thence, continuing with said southerly line of the 617.0
4-28 acre tract and said northerly right-of-way line of Mound Road,
4-29 South 87 degrees 54 minutes 14 seconds West, a distance of 1,722.99
4-30 feet to a 1/2-inch iron rod found at the southeast corner of a
4-31 called 105.000 acre tract of land recorded in the name of James A.
4-32 Warren in Clerk's File No. 20140186578 of the O.P.R.R.P.H.C.;
4-33 6. Thence, with the easterly line of said 105.000 acre
4-34 tract, North 02 degrees 59 minutes 19 seconds West, at 1,758.45 feet
4-35 pass a found 1/2-inch iron rod and continuing a total distance of
4-36 3,930.54 feet to a 1/2-inch iron rod with cap stamped "RPLS 2085"
4-37 found at an interior corner of aforesaid 617.0 acre tract and the
4-38 northeast corner of said 105.000 acre tract;
4-39 7. Thence, with the southerly line of said 617.0 acre tract,
4-40 the northerly line of said 105.000 acre tract, and the northerly
4-41 line of a called 95.000 acre tract of land recorded in the name of
4-42 the estate of John W. Warren, IV, by Nancy Warren, independent
4-43 co-executor and James A. Warren, independent co-executor in C.F.
4-44 No. 20140187356 of the O.P.R.R.P.H.C., South 88 degrees 07 minutes
4-45 49 seconds West, at a distance of 1,163.10 feet pass a 1/2-inch iron
4-46 rod with cap stamped "RPLS 2085" found at the northwest corner of
4-47 said 105.000 acre tract and the northeast corner of said 95.000 acre
4-48 tract and continuing a total distance of 2,215.06 feet to a 1/2-inch
4-49 rod found at an interior corner of said 617.0 acre tract, the
4-50 northwest corner of said 95.000 acre tract, and the northeast
4-51 corner of a called 447.471 acre tract of land (Tract II) recorded in
4-52 the name of Hilcroft-Medstar Joint Venture in C.F. No. Y173252 of
4-53 the O.P.R.R.P.H.C.;
4-54 8. Thence, continuing with the southerly line of said 617.0
4-55 acre tract and the northerly line of said 447.471 acre tract, South
4-56 87 degrees 45 minutes 02 seconds West, a distance of 4,977.98 feet
4-57 to a 1-inch iron pipe found at the most westerly southwest corner of
4-58 said 617.0 acre tract and the northwest corner of said 447.471 acre
4-59 tract, and being on the easterly line of a called 649.4535 acre
4-60 tract of land recorded in the name of Story-Lindsey, Family Limited
4-61 Partnership in C.F. No. S350808 of the O.P.R.R.P.H.C.;
4-62 9. Thence, with the westerly line of said 617.0 acre tract
4-63 and said easterly line of the 649.4535 acre tract, North 03 degrees
4-64 22 minutes 21 seconds West, a distance of 1,043.15 feet to a
4-65 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
4-66 10. Thence, continuing with said westerly line of the 617.0
4-67 acre tract and said easterly line of the 649.4535 acre tract, North
4-68 03 degrees 35 minutes 34 seconds West, a distance of 310.26 feet to
4-69 a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the

5-1 northwest corner of said 617.0 acre tract, the northeast corner of
 5-2 said 649.4535 acre tract, the southeast corner of a called 646.727
 5-3 acre tract recorded in the name of Story-Lindsey, Family Limited
 5-4 Partnership in C.F. No. S350808 of the O.P.R.R.P.H.C., and the
 5-5 southwest corner of a called 636.3636 acre tract of land recorded in
 5-6 the name of Story-Lindsey, Family Limited Partnership in C.F.
 5-7 No. S350808 of the O.P.R.R.P.H.C.;

5-8 Thence, with the northerly line of said 617.0 acre tract and
 5-9 the southerly line of said 636.3636 acre tract, the following four
 5-10 (4) courses:

5-11 11. North 88 degrees 00 minutes 05 seconds East, a distance
 5-12 of 3,037.93 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
 5-13 INC" found;

5-14 12. North 87 degrees 46 minutes 27 seconds East, a distance
 5-15 of 423.91 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
 5-16 INC" found;

5-17 13. North 87 degrees 55 minutes 43 seconds East, a distance
 5-18 of 1,014.75 feet to a 1/2-inch iron rod found;

5-19 14. North 87 degrees 57 minutes 47 seconds East, a distance
 5-20 of 863.26 feet to a 1/2-inch iron rod with cap stamped "PREJEAN"
 5-21 found at the southeast corner of said 636.3636 acre tract and the
 5-22 southwest corner of a called 197.0000 acre tract of land recorded in
 5-23 the name of DXC Technology Services LLC. in C.F. No. RP-2018-66195
 5-24 of the O.P.R.R.P.H.C.;

5-25 15. Thence, with said northerly line of the 617.0 acre tract
 5-26 , the southerly line of said 197.0000 acre tract, the southerly line
 5-27 of a called 389.313 acre tract of land (Tract I) recorded in the
 5-28 name of Hilcroft-Medstar Joint Venture in C.F. No. Y173252 of the
 5-29 O.P.R.R.P.H.C., and the southerly line of a called 39.365 acre
 5-30 tract of land recorded in the name of Floyd Emanuel Dennison and
 5-31 wife, Ruby Dennison in C.F. No. J223460 of the O.P.R.R.P.H.C.,
 5-32 North 88 degrees 01 minutes 10 seconds East, a distance of 5,264.15
 5-33 feet to a 1-1/4-inch iron pipe found at the northeast corner of said
 5-34 617.0 acre tract and the southeast corner of said 39.365 acre tract,
 5-35 and being on the westerly right-of-way line of aforesaid Warren
 5-36 Ranch Road;

5-37 16. Thence, with the easterly line of said 617.0 acre tract
 5-38 and said westerly right-of-way line of Warren Ranch Road, South 01
 5-39 degrees 57 minutes 51 seconds East, a distance of 4,558.73 feet to
 5-40 the Point of Beginning and containing 617.0 acres of land.

5-41 SECTION 3. (a) The legal notice of the intention to
 5-42 introduce this Act, setting forth the general substance of this
 5-43 Act, has been published as provided by law, and the notice and a
 5-44 copy of this Act have been furnished to all persons, agencies,
 5-45 officials, or entities to which they are required to be furnished
 5-46 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-47 Government Code.

5-48 (b) The governor, one of the required recipients, has
 5-49 submitted the notice and Act to the Texas Commission on
 5-50 Environmental Quality.

5-51 (c) The Texas Commission on Environmental Quality has filed
 5-52 its recommendations relating to this Act with the governor, the
 5-53 lieutenant governor, and the speaker of the house of
 5-54 representatives within the required time.

5-55 (d) All requirements of the constitution and laws of this
 5-56 state and the rules and procedures of the legislature with respect
 5-57 to the notice, introduction, and passage of this Act are fulfilled
 5-58 and accomplished.

5-59 SECTION 4. (a) If this Act does not receive a two-thirds
 5-60 vote of all the members elected to each house, Subchapter C, Chapter
 5-61 7926A, Special District Local Laws Code, as added by Section 1 of
 5-62 this Act, is amended by adding Section 7926A.0306 to read as
 5-63 follows:

5-64 Sec. 7926A.0306. NO EMINENT DOMAIN POWER. The district may
 5-65 not exercise the power of eminent domain.

5-66 (b) This section is not intended to be an expression of a
 5-67 legislative interpretation of the requirements of Section 17(c),
 5-68 Article I, Texas Constitution.

5-69 SECTION 5. This Act takes effect immediately if it receives

6-1 a vote of two-thirds of all the members elected to each house, as
6-2 provided by Section 39, Article III, Texas Constitution. If this
6-3 Act does not receive the vote necessary for immediate effect, this
6-4 Act takes effect September 1, 2021.

6-5

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