

By: Creighton

S.B. No. 2162

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Harris County Municipal Utility
3 District No. 578; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7914A to read as follows:

9 CHAPTER 7914A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 578

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7914A.0101. DEFINITIONS. In this chapter:

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

13 (2) "Commission" means the Texas Commission on
14 Environmental Quality.

15 (3) "Director" means a board member.

16 (4) "District" means the Harris County Municipal
17 Utility District No. 578.

18 Sec. 7914A.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7914A.0103. CONFIRMATION AND DIRECTOR ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 7914A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7914A.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. 7914A.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. 7914A.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. 7914A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7914A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7914A.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Sam Cocke;

10 (2) Lauren Brigance;

11 (3) Alissa Payne;

12 (4) Christopher Townsend; and

13 (5) Terry O'Kelley.

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

15 (1) the date permanent directors are elected under
16 Section 7914A.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 7914A.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 7914A.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. 7914A.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. 7914A.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. 7914A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve,
20 operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads, or improvements, including storm drainage, in aid
23 of those roads.

24 Sec. 7914A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

2 (b) If a road project is not located in the corporate limits
3 or extraterritorial jurisdiction of a municipality, the road
4 project must meet all applicable construction standards,
5 subdivision requirements, and regulations of each county in which
6 the road project is located.

7 (c) If the state will maintain and operate the road, the
8 Texas Transportation Commission must approve the plans and
9 specifications of the road project.

10 Sec. 7914A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 7914A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
18 The district may issue, without an election, bonds and other
19 obligations secured by:

- 20 (1) revenue other than ad valorem taxes; or
21 (2) contract payments described by Section
22 7914A.0403.

23 (b) The district must hold an election in the manner
24 provided by Chapters 49 and 54, Water Code, to obtain voter approval
25 before the district may impose an ad valorem tax or issue bonds
26 payable from ad valorem taxes.

27 (c) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a
2 vote of a two-thirds majority of the district voters voting at an
3 election held for that purpose.

4 Sec. 7914A.0402. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held under Section 7914A.0401, the
6 district may impose an operation and maintenance tax on taxable
7 property in the district in accordance with Section 49.107, Water
8 Code.

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

11 Sec. 7914A.0403. CONTRACT TAXES. (a) In accordance with
12 Section 49.108, Water Code, the district may impose a tax other than
13 an operation and maintenance tax and use the revenue derived from
14 the tax to make payments under a contract after the provisions of
15 the contract have been approved by a majority of the district voters
16 voting at an election held for that purpose.

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

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 7914A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
22 OBLIGATIONS. The district may issue bonds or other obligations
23 payable wholly or partly from ad valorem taxes, impact fees,
24 revenue, contract payments, grants, or other district money, or any
25 combination of those sources, to pay for any authorized district
26 purpose.

27 Sec. 7914A.0502. TAXES FOR BONDS. At the time the district

1 issues bonds payable wholly or partly from ad valorem taxes, the
2 board shall provide for the annual imposition of a continuing
3 direct ad valorem tax, without limit as to rate or amount, while all
4 or part of the bonds are outstanding as required and in the manner
5 provided by Sections 54.601 and 54.602, Water Code.

6 Sec. 7914A.0503. BONDS FOR ROAD PROJECTS. At the time of
7 issuance, the total principal amount of bonds or other obligations
8 issued or incurred to finance road projects and payable from ad
9 valorem taxes may not exceed one-fourth of the assessed value of the
10 real property in the district.

11 SECTION 2. The Harris County Municipal Utility District No.
12 578 initially includes all the territory contained in the following
13 area:

14 Being 143.34 acres of land located in the Humphrey Jackson
15 Survey, Abstract 37, Harris County, Texas, Said 143.34 acre tract
16 being the remainder of that certain called 175.61 acre tract,
17 conveyed to Rampart Holding LP, by an instrument of record under
18 File Number Y254152, of the Official Public Records of Real
19 Property of said Harris County (H.C.O.P.R.R.P.); said 143.34 acre
20 tract being more particularly described by metes and bounds as
21 follows with all bearings referenced to the Texas Coordinate
22 System, South Central Zone, NAD 83 (NA2011);

23 BEGINNING at a 1/2-inch iron rod, found for the Northeast
24 corner of that certain called 32.272 acre tract conveyed to
25 Stonebridge at Newport, Inc by an instrument of record under File
26 Number RP-2016-30087, H.C.O.P.R.R.P.; same being on the south
27 right-of-way line of Diamondhead Boulevard (100' wide), as shown on

1 Newport Section 2, a subdivision of record in Volume 195, Page 35 of
2 the Map Records of said Harris County, Texas (H.C.M.R.), common
3 with the north line of said 175.61-acre tract, the beginning of a
4 curve;

5 Thence, 683.85 feet with said common line, along the arc of a
6 non-tangent curve to the left, having a radius of 2,050.00 feet, a
7 central angle of $19^{\circ} 06' 47''$, and a chord which bears North $83^{\circ} 44'$
8 $23''$ East, 680.68 feet to a point for corner;

9 Thence, North $74^{\circ} 10' 59''$ East, continuing along said common
10 line, 614.03 feet to a point for corner, the beginning of a curve;

11 Thence, departing the south right-of-way line of said
12 Diamondhead Boulevard, along the east, south and west lines of said
13 175.61-acre tract the following seven (7) courses:

14 1. 953.50 feet along the arc of a non-tangent curve to the
15 right, having a radius of 1200.00 feet, a central angle
16 of $45^{\circ} 31' 34''$, and a chord which bears South $09^{\circ} 25' 13''$
17 West, 928.61 feet to a point for corner;

18 2. South $32^{\circ} 11' 00''$ West, 140.56 feet to a point for corner,
19 the beginning of a curve;

20 3. 441.82 feet along the arc of a tangent curve to the left,
21 having a radius of 2100.00 feet, a central angle of 12°
22 $03' 16''$, and a chord which bears South $26^{\circ} 09' 21''$ West,
23 441.01 feet to a point for corner;

24 4. South $20^{\circ} 07' 44''$ West, 509.92 feet to a point for corner,
25 the beginning of a curve;

26 5. 367.37 feet along the arc of a tangent curve to the left,
27 having a radius of 2100.00 feet, a central angle of 10°

1 01' 24", and a chord which bears South 15° 07' 02" West,
2 366.90 feet to a point for corner;

3 6. South 88° 20' 45" West, 2983.90 feet to a point for
4 corner;

5 7. North 01° 33' 15" West, 2308.16 feet to a point for corner
6 in the south right-of-way line of the aforementioned
7 Diamondhead Boulevard, the beginning of a curve;

8 Thence, along the south right-of-way line of said Diamondhead
9 Boulevard, same being the north line of the aforementioned
10 175.61-acre tract the following five (5) courses:

11 1. 307.04 feet along the arc of a non-tangent curve to the
12 left, having a radius of 2,050.00 feet, a central angle
13 of 08° 34' 53", and a chord which bears North 78° 39' 01"
14 East, 306.75 feet to a point for corner;

15 2. North 74° 21' 35" East, 100.00 feet to a point for corner,
16 the beginning of a curve;

17 3. 1,320.66 feet along the arc of a tangent curve to the
18 right, having a radius of 1,950.00 feet, a central angle
19 of 38° 48' 15", and a chord which bears South 86° 14' 18"
20 East, 1,295.56 feet to a point for corner;

21 4. South 66° 50' 10" East, 100.00 feet to a point for corner,
22 the beginning of a curve;

23 5. 405.52 feet along the arc of a tangent curve to the left,
24 having a radius of 2,050.00 feet, a central angle of 11°
25 20' 02", and a chord which bears South 72° 30' 11" East,
26 404.86 feet to a 1/2-inch iron rod found for the
27 northwest corner of the aforementioned 32.272-acre

1 tract;

2 Thence, along the interior and exterior lines of the
3 aforementioned 32.272-acre tract the following the fifty-five (55)
4 courses:

- 5 1. South 23° 24' 08" West, 98.33 feet to a point for corner;
- 6 2. South 40° 32' 00" West, 518.07 feet to a point for corner,
7 the beginning of a curve;
- 8 3. 95.27 feet along the arc of a non-tangent curve to the
9 left, having a radius of 280.00 feet, a central angle of
10 19° 29' 42", and a chord which bears South 27° 25' 38"
11 East, 94.81 feet to a point for corner;
- 12 4. South 52° 49' 33" West, 152.91 feet to a 1/2-inch iron rod
13 found for corner;
- 14 5. South 87° 00' 20" West, passing at 116.70 feet, a found
15 5/8-inch iron rod with cap stamped "LJA ENG", continuing
16 for a total distance of 570.80 feet to a 1/2-inch iron
17 rod found for corner;
- 18 6. North 83° 00' 00" West, 730.02 feet to a 1/2-inch iron rod
19 found for corner;
- 20 7. South 12° 20' 00" West, 186.03 feet to a 1/2-inch iron rod
21 (bent) found for corner, the beginning of a curve;
- 22 8. 59.67 feet along the arc of a tangent curve to the left,
23 having a radius of 970.00 feet, a central angle of 03° 31'
24 28", and a chord which bears South 10° 34' 16" West, 59.66
25 feet to a 1/2-inch iron rod (bent) found for corner;
- 26 9. South 80° 00' 00" East, 80.00 feet to a 1/2-inch iron rod
27 found for corner;

- 1 10. South $03^{\circ} 43' 00''$ West, 129.96 feet to a 1/2-inch iron rod
2 found for corner;
- 3 11. South $86^{\circ} 17' 00''$ East, 20.59 feet to a 1/2-inch iron rod
4 found for corner, the beginning of a curve;
- 5 12. 18.14 feet along the arc of a non-tangent curve to the
6 right, having a radius of 1,130.00 feet, a central angle
7 of $00^{\circ} 55' 12''$, and a chord which bears South $85^{\circ} 58' 31''$
8 East, 18.14 feet to a 1/2-inch iron rod found for corner;
- 9 13. North $04^{\circ} 38' 12''$ East, 125.55 feet to a 1/2-inch iron rod
10 found for corner;
- 11 14. South $79^{\circ} 58' 22''$ East, 560.67 feet to a 1/2-inch iron rod
12 found for corner;
- 13 15. North $83^{\circ} 19' 11''$ East, 143.74 feet to a point for corner;
- 14 16. North $69^{\circ} 10' 00''$ East, 422.60 feet to a point for corner;
- 15 17. North $71^{\circ} 58' 11''$ East, passing at 84.38 feet a found
16 5/8-inch iron rod with cap stamped, "LJA ENG", at 313.60
17 feet found 5/8-inch iron rod with cap stamped, "LJA ENG",
18 continuing for a total distance of 414.60 feet to a point
19 for corner;
- 20 18. North $23^{\circ} 54' 00''$ East, 407.00 feet to a 1/2-inch iron rod
21 found for corner;
- 22 19. North $84^{\circ} 00' 00''$ East, 182.00 feet to a 1/2-inch iron rod
23 found for corner;
- 24 20. South $30^{\circ} 38' 00''$ East, 207.00 feet to a 1/2-inch iron rod
25 found for corner;
- 26 21. South $24^{\circ} 57' 00''$ East, 280.96 feet to a 1/2-inch iron rod
27 found for corner;

- 1 22. South 20° 00' 00" East, 800.67 feet to a point for corner;
- 2 23. South 33° 18' 00" West, 130.55 feet to a point for corner;
- 3 24. North 72° 34' 14" West, 164.95 feet to a point for corner;
- 4 25. North 69° 28' 00" West, passing at 680.61 feet a found
- 5 5/8-inch iron rod with cap stamped, "LJA ENG",
- 6 continuing for a total distance of 442.12 feet to a
- 7 1/2-inch iron rod found for corner;
- 8 26. South 16° 00' 00" West, 19.60 feet to a 1/2-inch iron rod
- 9 found for corner;
- 10 27. North 74° 00' 00" West, 60.00 feet to a point for corner;
- 11 28. North 63° 29' 54" West, 159.72 feet to a 5/8-inch iron rod
- 12 with cap stamped, "LJA ENG" found for corner;
- 13 29. North 87° 37' 27" West, 991.57 feet to a point for corner,
- 14 from which a found 1/2-inch iron rod bears South 65° 25'
- 15 50" West, 3.16 feet;
- 16 30. North 80° 00' 00" West, 457.09 feet to a 1/2-inch iron rod
- 17 found for corner;
- 18 31. North 86° 20' 00" West, 71.88 feet to a 1/2-inch iron rod
- 19 found for corner;
- 20 32. North 03° 31' 41" East, 122.80 feet to a 1/2-inch iron rod
- 21 found for corner, the beginning of a curve;
- 22 33. 5.99 feet along the arc of a non-tangent curve to the
- 23 left, having a radius of 1,070.00 feet, a central angle
- 24 of 00° 19' 15", and a chord which bears North 85° 42' 50"
- 25 West, 5.99 feet to a point for corner;
- 26 34. North 85° 52' 28" West, 24.01 feet to a 1/2-inch iron rod
- 27 found for corner;

- 1 35. South 03° 31' 41" West, 123.05 feet to a 1/2-inch iron rod
2 found for corner;
- 3 36. North 82° 48' 31" West, 212.69 feet to a 1/2-inch iron rod
4 with cap stamped "CEI 5127" found for corner;
- 5 37. South 88° 56' 00" West, 84.42 feet to a 1/2-inch iron rod
6 with cap stamped "CEI 5127" found for corner;
- 7 38. South 00° 40' 45" West, 56.19 feet to a 1/2-inch iron rod
8 with cap stamped "CEI 5127" found for corner;
- 9 39. South 76° 40' 00" East, 297.72 feet to a 1/2-inch iron rod
10 found corner;
- 11 40. South 68° 04' 14" East, 575.03 feet to a 1/2-inch iron rod
12 (bent) found corner;
- 13 41. South 84° 45' 58" East, 672.07 feet to a 1/2-inch iron rod
14 with cap stamped "CEI 3438" found for corner;
- 15 42. South 77° 59' 50" East, 314.70 feet to a 1/2-inch iron rod
16 with cap stamped "CEI 5127" found for corner;
- 17 43. South 87° 18' 47" East, 487.09 feet to a 1/2-inch iron rod
18 found for corner;
- 19 44. South 66° 32' 04" East, 349.78 feet to a point for corner;
- 20 45. South 86° 35' 17" East, 193.19 feet to a point for corner;
- 21 46. North 44° 36' 00" East, 41.91 feet to a point for corner;
- 22 47. North 07° 48' 02" West, 391.41 feet to a point for corner;
- 23 48. North 09° 10' 00" West, 438.39 feet to a point for corner;
- 24 49. North 04° 20' 00" West, 284.56 feet to a point for corner;
- 25 50. North 15° 39' 28" West, 137.52 feet to a point for corner;
- 26 51. North 33° 08' 00" West, 242.74 feet to a point for corner;
- 27 52. North 27° 18' 00" West, 95.00 feet to a point for corner;

1 53. North 00° 18' 00" West, 53.22 feet to a point for corner;
2 54. South 89° 42' 00" West, 44.24 feet to a point for corner;
3 55. North 32° 10' 53" West, 159.95 feet to the POINT OF
4 BEGINNING and containing 143.34 acres 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 7914A, Special District Local Laws Code, as added by Section 1 of
26 this Act, is amended by adding Section 7914A.0306 to read as
27 follows:

1 Sec. 7914A.0306. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

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

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.