

By: Bettencourt
(Oliverson)

S.B. No. 2180

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 581; 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 7924A to read as follows:

CHAPTER 7924A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 581

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7924A.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. 581.

Sec. 7924A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7924A.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. 7924A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7924A.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. 7924A.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. 7924A.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. 7924A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7924A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7924A.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 7924A.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 7924A.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 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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 7924A.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. 7924A.0402. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held under Section 7924A.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. 7924A.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. 7924A.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. 7924A.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. 7924A.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
12 No. 581 initially includes all the territory contained in the
13 following area:

14 TRACT 1 65.233 ACRES

15 A TRACT OR PARCEL CONTAINING 65.233 ACRES OR 2,841,562 SQUARE
16 FEET OF LAND SITUATED IN THE WILLIAM SETTLE SURVEY, ABSTRACT NO.
17 705, HARRIS COUNTY, TEXAS, BEING THE RESIDUE OF A CALLED 66.07629
18 ACRE TRACT OF LAND, CONVEYED TO CYPRESS ROSE HILL, LTD. #1, AS
19 RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F. NO. E031964
20 WITH SAID 65.233 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY
21 METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS
22 STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

23 BEGINNING AT A CAPPED 5/8 INCH IRON ROD FOUND ON THE EAST
24 RIGHT-OF-WAY (R.O.W.) LINE OF CYPRESS ROSEHILL ROAD (100 FEET WIDE)
25 AS RECORDED UNDER H.C.C.F. NOS. 20080044631, 20080092981, AND
26 20080229033, FOR THE SOUTHWEST CORNER OF UNRESTRICTED RESERVE "F"
27 OF LAKES AT CYPRESS HILL, MAP OR PLAT THEREOF RECORDED UNDER FILM

1 CODE NO. 350084 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND THE
2 NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

3 THENCE, NORTH 87 DEG. 47 MIN. 13 SEC. EAST, ALONG THE COMMON
4 LINE OF SAID UNRESTRICTED RESERVE "F", SAID CALLED 66.07629 ACRE
5 TRACT, AND LANDSCAPE RESERVE "B" OF SAID LAKES AT CYPRESS HILL, A
6 DISTANCE OF 1,516.12 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE
7 NORTHEAST CORNER OF SAID CALLED 66.07629 ACRE TRACT AND THE HEREIN
8 DESCRIBED TRACT;

9 THENCE, SOUTH 02 DEG. 28 MIN. 37 SEC. EAST, ALONG THE EAST
10 LINE OF SAID CALLED 66.07629 ACRE TRACT, AND THE WEST LINE OF
11 RESERVE "B" OF SAID LAKES AT CYPRESS HILL, A DISTANCE OF 5.64 FEET
12 TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE
13 NORTHWEST CORNER OF A CALLED 46.8686 ACRE TRACT OF LAND, CONVEYED TO
14 DAVID BRUCE JONES, AS RECORDED UNDER H.C.C.F. NO. 20110039327, FROM
15 WHICH A FOUND 1/2 INCH IRON ROD BEARS FOR REFERENCE NORTH 06 DEG. 24
16 MIN. 48 SEC. WEST, A DISTANCE OF 1.34 FEET;

17 THENCE, SOUTH 02 DEG. 28 MIN. 47 SEC. EAST, ALONG THE COMMON
18 LINE OF SAID CALLED 66.07629 ACRE TRACT, SAID CALLED 46.8686 ACRE
19 TRACT, A CALLED 2.7153 ACRE TRACT OF LAND CONVEYED TO DAVID BRUCE
20 JONES, AS RECORDED UNDER H.C.C.F. NO. 20110039327, AND A CALLED
21 30.0000 ACRE TRACT OF LAND, CONVEYED TO DAVID BRUCE JONES, AS
22 RECORDED UNDER H.C.C.F. NO. M282878, A DISTANCE OF 1,868.53 FEET TO
23 AN AXLE FOUND FOR THE SOUTHEAST CORNER OF SAID CALLED 66.07629 ACRE
24 TRACT;

25 THENCE, SOUTH 88 DEG. 10 MIN. 44 SEC. WEST, ALONG THE SOUTH
26 LINE OF SAID CALLED 66.07629 ACRE TRACT, A DISTANCE OF 1,524.78 FEET
27 TO A CAPPED 5/8 INCH IRON ROD STAMPED "S & V" FOUND ON THE EAST

1 R.O.W. LINE OF SAID CYPRESS ROSEHILL ROAD, FOR THE NORTHWEST CORNER
2 OF A CALLED 2.6547 ACRE TRACT, CONVEYED TO NORWEST MORTGAGE, INC. AS
3 RECORDED UNDER H.C.C.F. NO. R856420;

4 THENCE, NORTH 02 DEG. 12 MIN. 58 SEC. WEST, ALONG THE EAST
5 R.O.W. LINE OF SAID CYPRESS ROSEHILL ROAD, A DISTANCE OF 1,863.72
6 FEET TO THE POINT OF BEGINNING AND CONTAINING 65.233 ACRES OR
7 2,841,562 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54760, PREPARED
8 BY WINDROSE LAND SERVICES.

9 TRACT 2 (58.396 ACRES)

10 A 58.396 acre, or 2,543,742 square feet more or less, tract of
11 land being the remaining portion of the 58.735 acre tract conveyed
12 to Hally Beth Walker Poindexter, as recorded in Clerk's File
13 No. E465875 in the Official Public Records of Real Property of
14 Harris County, Texas, in the F. Benignus Survey, Abstract 1463,
15 Harris County, Texas. Said 58.396 acre tract being more fully
16 described as follows, with bearings based on the North American
17 Datum of 1983 NAD 83 (NA2011) epoch 2010.00, from the Texas
18 Coordinate System established for the South Central Zone.

19 BEGINNING: At a found 3/4 inch iron rod on the north
20 right-of-way line of Grant Road, a 60-foot right-of-way, at the
21 southwest corner of said 58.735 acre tract, at the southeast corner
22 of the 3.975 acre tract conveyed to O'Conner Properties, No. One,
23 LLC, as recorded in Clerk's File No. 20140112827 in the Official
24 Public Records of Real Property of Harris County, Texas;

25 THENCE: N 02°11'41" W, along and with the west line of said
26 58.735 acre tract, the east line of said 3.975 acre tract, the east
27 line of the 10.2141 acre tract, conveyed to Emmanuel Baptist Church

S.B. No. 2180

1 of Houston Texas, as recorded in Clerk's File No. 20140542621, in
2 the Official Public Records of Real Property of Harris County,
3 Texas, the east line of the 6.6513 acre tract, conveyed to Doyle Kay
4 and Cynthia L. Kay, as recorded in Clerk's File No. 20080188383,
5 and the east line of the 3.9999 acre tract, conveyed to Robert R.
6 Hodge and Amy F. Vanzant-Hodge, as recorded in Clerk's File No
7 20070607517 in the Official Public Records of Real Property of
8 Harris County, Texas, a distance of 1737.23 feet to a found 3/4 inch
9 iron pipe on the south line of the 66.07529 acre tract conveyed to
10 Cypress Rose Hill, Ltd. #1, as recorded in Clerk's File
11 No. E0319641 in the Official Public Records of Real Property of
12 Harris County, Texas, at the northeast corner of said 3.9999 acre
13 tract, for the northwest corner of this tract;

14 THENCE: N 87°43'56" E, along and with the south line of said
15 66.07529 acre tract, a distance of 213.80 feet to a found axle on
16 the west line of the 46.8686 acre tract, conveyed to Doyle E. Jones
17 and Bruce Jones, as recorded in Clerk's File No. K944940 in the
18 Official Public Records of Real Property of Harris County, Texas,
19 and described in Document No. D581566 in the Official Public
20 Records of Real Property of Harris County, Texas, at the southeast
21 corner of said 66.07529 acre tract;

22 THENCE: S 02°11'32" E, along and with the west line of said
23 46.8686 acre tract and an east line of said 58.735 acre tract, a
24 distance of 455.96 feet to a found 1/2 inch iron rod, at the
25 southwest corner of said 46.8686 acre tract and an interior corner
26 of said 58.735 acre tract;

27 THENCE: N 87°57'55" E, along and with a north line of said

1 58.735 acre tract, the south line of said 46.8686 acre tract, and
2 the south line of a called 5.720 acre tract conveyed to Manuel
3 Cuevas and Lorena Cuevas, as recorded in Clerk's File
4 No. RP-2019-9855 in the Official Public Records of Real Property of
5 Harris County, Texas, a distance of 1700.29 feet to a found 3/4 inch
6 iron pipe in the west line of the 1.15 acre tract conveyed to Garon
7 W. Hano and Nicole B. Hano, as recorded in Clerk's File
8 No. 20130173499 in the Official Public Records of Real Property of
9 Harris County, Texas, for the northeast corner of this tract;

10 THENCE: S 02°02'13" E, along and with an east line of said
11 58.735 acre tract, the west line of said 1.15 acre tract and the
12 west right-of-way line of Kitzman Road, a variable width
13 right-of-way, a distance of 371.42 feet to a set 5/8 inch iron rod
14 with a yellow cap marked "Pape-Dawson", at the north corner of the
15 0.2038 acre right-of-way dedication conveyed to Harris County,
16 Texas, as recorded in Volume 3765, Page 717 in the Deed Records of
17 Harris County, Texas;

18 THENCE: Along and with the west right-of-way line of said
19 Kitzman Road and the west line of said 0.2038 acre tract the
20 following bearings and distances:

21 Southwesterly, along a non-tangent curve to the left,
22 said curve having a radial bearing of S 77°53'45" E, a radius
23 of 330.00 feet, a central angle of 14°08'28", a chord bearing
24 and distance of S 05°02'01" W, 81.24 feet, for an arc length
25 of 81.45 feet to a set 5/8 inch iron rod with a yellow cap
26 marked "Pape-Dawson" for the point of tangency;

27 THENCE: S 02°02'13" E, a distance of 833.64 feet to a found

1 5/8 inch iron rod at the intersection of the west right-of-way line
2 of said Kitzman Road and the north right-of-way line of said Grant
3 Road, at the southwest corner of said 0.2038 acre tract and the
4 southeast corner of this tract;

5 THENCE: S 88°04'20" W, along and with the north right-of-way
6 line of said Grant Road, a distance of 1900.54 feet to the POINT OF
7 BEGINNING, and containing 58.396 acres in Harris County, Texas.
8 Said tract being described in accordance with a survey made on the
9 ground and a survey description and map prepared under job number
10 49226-19 by Pape-Dawson Engineers, Inc.

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

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

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

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

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 7924A, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 7924A.0306 to read as
6 follows:

7 Sec. 7924A.0306. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

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

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