

By: Oliverson

H.B. No. 5666

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fenske Road Municipal Utility District of Harris County; 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 7901A to read as follows:

CHAPTER 7901A. FENSKE ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7901A.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 Fenske Road Municipal Utility District of Harris County.

Sec. 7901A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7901A.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.

Sec. 7901A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7901A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district as required by applicable law.

Sec. 7901A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

Sec. 7901A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 7901A.0201. GOVERNING BODY; TERMS. (a) The district
6 is governed by a board of five elected directors.

7 (b) Except as provided by Section 7901A.0202, directors
8 serve staggered four-year terms.

9 Sec. 7901A.0202. TEMPORARY DIRECTORS. (a) On or after the
10 effective date of the Act enacting this chapter, the owner or owners
11 of a majority of the assessed value of the real property in the
12 district may submit a petition to the commission requesting that
13 the commission appoint as temporary directors the five persons
14 named in the petition. The commission shall appoint as temporary
15 directors the five persons named in the petition.

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

17 (1) the date permanent directors are elected under
18 Section 7901A.0103; or

19 (2) the fourth anniversary of the effective date of
20 the Act enacting this chapter.

21 (c) If permanent directors have not been elected under
22 Section 7901A.0103 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 7901A.0103; or

1 (2) the fourth anniversary of the date of the
2 appointment or reappointment.

3 (d) If Subsection (c) applies, the owner or owners of a
4 majority of the assessed value of the real property in the district
5 may submit a petition to the commission requesting that the
6 commission appoint as successor temporary directors the five
7 persons named in the petition. The commission shall appoint as
8 successor temporary directors the five persons named in the
9 petition.

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 7901A.0301. GENERAL POWERS AND DUTIES. The district
12 has the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 7901A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 7901A.0303. AUTHORITY FOR ROAD PROJECTS. Under
20 Section 52, Article III, Texas Constitution, the district may
21 design, acquire, construct, finance, issue bonds for, improve,
22 operate, maintain, and convey to this state, a county, or a
23 municipality for operation and maintenance macadamized, graveled,
24 or paved roads, or improvements, including storm drainage, in aid
25 of those roads.

26 Sec. 7901A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
27 road project must meet all applicable construction standards,

1 zoning and subdivision requirements, and regulations of each
2 municipality in whose corporate limits or extraterritorial
3 jurisdiction the road project is located.

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

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

12 Sec. 7901A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
13 ORDINANCE OR RESOLUTION. The district shall comply with all
14 applicable requirements of any ordinance or resolution that is
15 adopted under Section 54.016 or 54.0165, Water Code, and that
16 consents to the creation of the district or to the inclusion of land
17 in the district.

18 Sec. 7901A.0306. DIVISION OF DISTRICT. This chapter
19 applies to any new district created by the division of the district
20 under Section 49.316, Water Code, and a new district has all the
21 powers and duties of the district.

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 7901A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
24 The district may issue, without an election, bonds and other
25 obligations secured by:

26 (1) revenue other than ad valorem taxes; or

27 (2) contract payments described by Section

1 7901A.0403.

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

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

10 Sec. 7901A.0402. OPERATION AND MAINTENANCE TAX. (a) If
11 authorized at an election held under Section 7901A.0401, the
12 district may impose an operation and maintenance tax on taxable
13 property in the district in accordance with Section 49.107, Water
14 Code.

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

17 Sec. 7901A.0403. CONTRACT TAXES. (a) In accordance with
18 Section 49.108, Water Code, the district may impose a tax other than
19 an operation and maintenance tax and use the revenue derived from
20 the tax to make payments under a contract after the provisions of
21 the contract have been approved by a majority of the district voters
22 voting at an election held for that purpose.

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

26 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

27 Sec. 7901A.0501. AUTHORITY TO ISSUE BONDS AND OTHER

1 OBLIGATIONS. The district may issue bonds or other obligations
2 payable wholly or partly from ad valorem taxes, impact fees,
3 revenue, contract payments, grants, or other district money, or any
4 combination of those sources, to pay for any authorized district
5 purpose.

6 Sec. 7901A.0502. TAXES FOR BONDS. At the time the district
7 issues bonds payable wholly or partly from ad valorem taxes, the
8 board shall provide for the annual imposition of a continuing
9 direct ad valorem tax, without limit as to rate or amount, while all
10 or part of the bonds are outstanding as required and in the manner
11 provided by Sections [54.601](#) and [54.602](#), Water Code.

12 Sec. 7901A.0503. BONDS FOR ROAD PROJECTS. At the time of
13 issuance, the total principal amount of bonds or other obligations
14 issued or incurred to finance road projects and payable from ad
15 valorem taxes may not exceed one-fourth of the assessed value of the
16 real property in the district.

17 SECTION 2. The Fenske Road Municipal Utility District of
18 Harris County initially includes all the territory contained in the
19 following area:

20 All that certain 33.7594 acres of land being all that certain
21 called 32.7500 acre tract described as Tract I in the deed dated
22 July 26, 1985, from Marvin Treichel, et al to Howard Leon Treichel,
23 et ux, filed for record under Clerk File No. K132306, of the
24 Official Public Records of Real Property of Harris County, Texas,
25 and being all that certain called 1.00002 acre tract described in
26 the deed dated April 23, 2004, from Timothy A. Perry to Valleys
27 Mills Partners, Ltd. to filed for record under Clerk File

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1 No. Z-053385, out of the Jacob Duckworth Survey, A-226, Harris
2 County, Texas, and being more particularly described by metes and
3 bounds as follows:
4 BEGINNING at a found 1" iron pipe marking the northwest corner of
5 said 32.7500 acre tract, said pipe located on the south
6 right-of-way line of Fenske Road (60' Wide as monumented);
7 THENCE N 85 35' 17" E - 761.55', with said south right-of-way line
8 to a set 1/2" iron rod with cap marking northeast corner of said
9 called 1.00002 acre;
10 THENCE S 01° 57' 40" E - 290.70', with the east line of said 1.00002
11 acre tract, to a set 5/8" iron rod with cap for an angle corner;
12 THENCE S 02° 02' 46" E - 388.02', with the west line of that certain
13 called 3.25 acre tract described in the deed dated November 11,
14 1976, from Rickey Kleppel, et ux to Larry E. Thieme, et ux, filed
15 for record under Clerk File No. F610177, Film Code No. 195-18-0683,
16 of the Official Public Records of Real Property of Harris County,
17 Texas to a set "PK" nail for corner;
18 THENCE N 85° 28' 07" E - 208.44', with the south line of said 3.25
19 acre tract tract, to a found 1" iron pipe marking the easterly
20 northeast corner of the aforementioned 32.7500 acre tract, the
21 southeast corner of said 3.25 acre tract and the northwest corner of
22 that certain called 33.8716 acre tract described as Tract II in the
23 deed dated July 26, 1985, from Marvin Treichel, et al to Howard Leon
24 Treichel, et ux, filed for record under Clerk File No. K132306,
25 Film Code No. 021-75-0610, of the Official Public Records of Real
26 Property of Harris County, Texas;
27 THENCE S 09° 09' 34" E - 984.93', with the northerly west line of

1 said 33.8716 acre tract, to a found 5/8" iron rod marking the
2 southeast corner of the aforementioned 32.7500 acre tract and an
3 interior corner of said 33.8716 acre tract;

4 THENCE S 87° 57' 07" W - 1,050.74'. with the westerly north line of
5 said 33.8716 acre tract, to a found 5/8" iron rod marking the
6 southwest corner of said 32.7500 acre tract and the westerly
7 northwest corner of said 33.8716 acre tract;

8 THENCE N 03° 27' 44" W - 1,616.13', to the POINT OF BEGINNING of the
9 herein described tract and containing 33.7594 acres (1,470,559
10 square feet) of land, more or less.

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 7901A, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 7901A.0307 to read as
6 follows:

7 Sec. 7901A.0307. 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, 2025.