

By: Kolkhorst

S.B. No. 1001

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 545; 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 7911 to read as follows:

CHAPTER 7911. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 545

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7911.001. 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. 545.

Sec. 7911.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7911.003. CONFIRMATION AND DIRECTORS' 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. 7911.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7911.003
3 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. 7911.005. 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. 7911.006. 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. 7911.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7911.052, directors serve
6 staggered four-year terms.

7 Sec. 7911.052. 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 7911.003; 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 7911.003 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 7911.003; 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. 7911.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7911.102. 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. 7911.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 7911.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

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

9 Sec. 7911.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 7911.151. ELECTIONS REGARDING TAXES OR BONDS.

17 (a) The district may issue, without an election, bonds and other
18 obligations secured by:

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

20 (2) contract payments described by Section 7911.153.

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

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

election held for that purpose.

Sec. 7911.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7911.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 7911.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7911.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7911.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all

or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7911.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Harris County Municipal Utility District No. 545 initially includes all the territory contained in the following area:

TRACT 1

Being a 375.4904 acre tract of land located in the Alex Gulliver Survey, A-287, Harris County, Texas; said 375.490 acre tract being all of Parcel 2 and part of Parcel 1 of those certain tracts of land conveyed to Browning-Ferris, Inc. in Clerk's File No. J423478 of the Official Public Records of Real Property of Harris County (O.P.R.R.P.H.C.); said 375.4904 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 2 inch iron pipe found marking the South East corner of said Parcel 2 and this 375.4904 acre tract, said iron pipe also being at the west right-of-way line of Katy-Hockley Road (60 ROW) with the south line of said Alex Gulliver Survey (Texas State Plane Grid Coordinate - N 13,901,376.95, E 2,979,348.81) from which a 6"x8" wood post bears 3.4' South and 1' West and a 6"x8" wood post bears 9.8' North and 7.4' West;

THENCE with the South line of said Parcel 2 and said Alex Gulliver Survey S 87° 45' 04" W (call N 89° 35' 30" W), a distance of

S.B. No. 1001

1 3693.56 feet (call 3693.5') to a 5/8 inch iron rod found marking the
2 South West corner of said Parcel 2 and this 375.4904 acre tract from
3 which a found 2 inch iron pipe bears 0.3 feet South and 1.1 feet West
4 and a 10" wood post bears 0.4' North and 0.7' East and a 6"x6" post
5 bears 7.0' North;

6 THENCE with the West line of said Parcel 1 and Parcel 2 N 02°
7 39' 32" W (call North); passing at 3543.85 feet a 5/8 inch rod found
8 on line; for a total distance of 3738.68 feet to a point marking the
9 most Westerly Northwest corner of this 375.4904 acre tract and the
10 center of Cypress Creek from which a found 5/8 inch iron rod on the
11 South right-of-way line of Jack Road bears N 02° 39' 32" W -
12 7855.85';

13 THENCE in a Northeasterly direction following the centerline
14 of Cypress Creek as follows;

15 N 77° 15' 48" E a distance of 101.67';

16 N 44° 09' 12" E a distance of 364.36';

17 N 52° 36' 41" E a distance of 96.99';

18 N 69° 47' 56" E a distance of 257.30';

19 N 70° 28' 26" E a distance of 40.96';

20 N 60° 01' 08" E a distance of 306.21';

21 N 34° 02' 48" E a distance of 206.56';

22 N 54° 45' 52" E a distance of 379.68';

23 S 87° 13' 46" E a distance of 304.19';

24 N 60° 37' 56" E a distance of 202.01';

25 N 72° 51' 00" E a distance of 123.01';

26 N 75° 04' 09" E a distance of 106.47';

27 S 82° 54' 21" E a distance of 217.72';

1 N 67° 26' 24" E a distance of 43.87';
2 N 44° 46' 22" E a distance of 22.16';
3 N 27° 45' 53" E a distance of 146.73';
4 N 10° 34' 30" E a distance of 107.54';
5 N 04° 41' 58" E a distance of 155.90';
6 N 10° 17' 33" W a distance of 109.20';
7 N 19° 34' 23" W a distance of 96.97';
8 N 13° 40' 48" E a distance of 78.84';
9 N 42° 29' 48" E a distance of 94.79';
10 N 44° 24' 16" E a distance of 185.03;
11 N 68° 38' 22" E a distance of 54.86';
12 N 87° 07' 41" E a distance of 102.87';
13 S 75° 42' 29" E a distance of 88.44';
14 S 59° 29' 38" E a distance of 143.78';
15 S 44° 01' 53" E a distance of 268.54';
16 S 57° 21' 29" E a distance of 73.29';
17 S 81° 34' 10" E a distance of 106.15';
18 N 58° 07' 34" E a distance of 185.00';
19 N 67° 38' 05" E a distance of 91.09 feet to the Northeast
20 corner of this 375.4904 acre tract;
21 THENCE leaving the centerline of Cypress Creek and following
22 the West line of said Katy-Hockley Road S 02° 40' 13" E (call South);
23 passing at 78.03 feet a 5/8 inch iron rod with cap set on line; for a
24 total distance of 406.03 feet to a bent 5/8 inch iron rod found at an
25 offset in the West line of said road;
26 THENCE N 88° 51' 46" E (call East) a distance of 19.92 feet
27 (call 20.00') to a found 5/8 inch iron rod in the West line of said

1 Katy-Hockley Road;

2 THENCE with the West line of said Katy-Hockley Road S 02° 09'
3 39" E (call South) a distance of 8.28 feet (call 8.25') to a set 5/8
4 inch iron rod with cap marking the North East corner of that certain
5 27.84 acre conservation easement conveyed to Wetland Habitat
6 Alliance of Texas, Inc. in Clerk's File No. Z224251 of the Harris
7 County Clerk's File (HCCF) from which a 6"x8" wood post bears 0.1'
8 North and 5.3' West;

9 THENCE along the North line of said 27.84 acre tract N 89° 16'
10 47" W (call N 89° 16' 46" W) a distance of 481.38 feet to a set 5/8
11 inch iron rod with cap for a corner;

12 THENCE along the North line of said 27.84 acre tract S 89° 25'
13 12" W (call S 89° 24' 54" W) a distance of 445.28 feet to a set 5/8
14 inch iron rod with cap for a corner;

15 THENCE along the Westerly line of said 27.84 acre tract S 26°
16 10' 39" W (call S 26° 10' 48" W) a distance of 770.56 feet to a found
17 6 inch metal fence post for a corner;

18 THENCE along the West line of said 27.84 acre tract S 10° 38'
19 48" E (call S 10° 38' 39" E) a distance of 391.77 feet to a set 5/8
20 inch iron rod with cap marking the Southwest corner of said 27.84
21 acre tract from which a 6 inch fence post bears 0.6' North and 0.6'
22 East;

23 THENCE along the South line of said 27.84 acre tract N 86° 26'
24 48" E (call N 86° 27' 01" E) a distance of 1242.91 (call 1242.97')
25 feet to a set 5/8 inch iron rod with cap marking the Southeast
26 corner of said 27.84 acre tract on the West line of said
27 Katy-Hockley Road from which a 4" wood post bears 0.2' North and

1 1.1' East;

2 THENCE with the West line of said Katy-Hockley Road and said
3 Parcels 1 and Parcel 2 S 02° 39' 32" E (call South) a distance of
4 4007.75 feet to the POINT OF BEGINNING. Bearings based on Texas
5 Coordinate System NAD 83 (SCZ).

6 TRACT 2

7 Being 131.7873 acres of land situated partially in the Alex
8 Gulliver Survey, Abstract No. 287 and partially within the Thomas
9 Coghill Survey, Abstract No. 203, Harris County, Texas, and being
10 all of that certain called 131.8340 acre tract of land as conveyed
11 to James M. Meley, by deed, recorded under Harris County Clerk's
12 File No. P295053, on June 17, 1993. Said 131.7873 acre tract being
13 more fully described by metes and bounds as follows:

14 All bearings referenced herein are based on the Texas State
15 Plane Coordinate System, Texas South Central Zone.

16 COMMENCING at a 1/2 inch iron rod inside of a 2 inch iron pipe
17 found for the southeasterly boundary corner of that certain called
18 375.4904 acre tract of land as conveyed to Cunningham Interests II,
19 Ltd., by deed, recorded under Harris County Clerk's File
20 No. 20110540938, on December 21, 2011, and being the northeasterly
21 boundary corner of that certain called 440.7637 acre tract of land
22 as conveyed to Harris County Flood Control District, by deed,
23 recorded under Harris County Clerk's File No. V437474, on October
24 31, 2001, also being located in the westerly right-of-way line of
25 Katy - Hockley Road, based on a width of 60 feet;

26 THENCE South 87°45'10" West, along the common boundary line
27 between the said 375.4904 acre tract and the said 440.7637 acre

S.B. No. 1001

tract, for a distance of 3,693.56 feet, to a 5/8 inch iron rod found for the POINT OF BEGINNING of the herein described tract of land;

THENCE South 87°45'10" West, continuing along the northerly boundary line of the said 440.7637 acre tract of land, for a distance of 1,644.87 feet, to a 5/8 inch iron rod found for corner, said iron rod being the southeasterly boundary corner of that certain called 50.9771 acre tract as conveyed to N.W.R.C. Land, Ltd., by deed, recorded under Harris County Clerk's File No. P295056, on June 17, 1993;

THENCE North 21°34'47" West, along the easterly boundary line of the said 50.9771 acre tract, passing at a distance of 1,576.52 feet, a 5/8 inch iron rod found on line for reference, and continuing on for a total distance of 1,772.23 feet, to the centerline of Cypress Creek, a natural drainage course;

THENCE along the natural meanders of Cypress Creek, the following thirteen (13) courses and distances:

South 84°00'48" East, for a distance of 42.29 feet to a point for corner;

North 48°15'04" East, for a distance of 244.19 feet to a point for corner;

North 33°00'21" East, for a distance of 156.79 feet to a point for corner;

North 23°17'34" East, for a distance of 279.59 feet to a point for corner;

North 38°51'29" East, for a distance of 113.35 feet to a point for corner;

North 41°48'59" East, for a distance of 89.56 feet to a

point for corner;

North 43°13'33" East, for a distance of 366.87 feet to a point for corner;

North 48°08'11" East, for a distance of 268.75 feet to a point for corner;

North 41°56'26" East, for a distance of 480.31 feet to a point for corner;

North 40°42'48" East, for a distance of 271.12 feet to a point for corner;

North 53°11'28" East, for a distance of 194.90 feet to a point for corner;

North 53°39'35" East, for a distance of 337.61 feet to a point for corner;

North 56°23'37" East, for a distance of 232.22 feet to a point for corner, said point being the northwesterly boundary corner of the said 375.4904 acre tract;

THENCE South 02°39'34" East, along the westerly boundary line of the said 375.4904 acre tract, for a distance of 3743.84 feet, to the POINT OF BEGINNING and containing within these calls 5,740,655 square feet or 131.7873 acres of land.

SECTION 3. (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.

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

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

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

12 SECTION 4. (a) If this Act does not receive a two-thirds
13 vote of all the members elected to each house, Subchapter C, Chapter
14 7911, Special District Local Laws Code, as added by Section 1 of
15 this Act, is amended by adding Section 7911.106 to read as follows:

16 Sec. 7911.106. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain.

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

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.