

1-1 By: Kolkhorst S.B. No. 1001
1-2 (In the Senate - Filed March 5, 2015; March 10, 2015, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 29, 2015, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 29, 2015, 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 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Harris County Municipal Utility
1-18 District No. 545; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 7911 to read as follows:

1-24 CHAPTER 7911. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 545

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7911.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Harris County Municipal
1-32 Utility District No. 545.

1-33 Sec. 7911.002. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 7911.003. CONFIRMATION AND DIRECTORS' ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7911.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 7911.003
1-42 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 7911.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 7911.006. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act enacting this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7911.051. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 7911.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7911.052. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 7911.003; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 7911.003 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 7911.003; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7911.101. GENERAL POWERS AND DUTIES. The district has

2-42 the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 7911.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 7911.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 7911.104. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 7911.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the
3-3 creation of the district or to the inclusion of land in the
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 7911.151. ELECTIONS REGARDING TAXES OR BONDS.

3-7 (a) The district may issue, without an election, bonds and other
3-8 obligations secured by:

- 3-9 (1) revenue other than ad valorem taxes; or
- 3-10 (2) contract payments described by Section 7911.153.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 7911.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7911.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 7911.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 7911.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 7911.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 7911.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Harris County Municipal Utility District No.
3-53 545 initially includes all the territory contained in the following
3-54 area:

3-55 TRACT 1

3-56 Being a 375.4904 acre tract of land located in the Alex
3-57 Gulliver Survey, A-287, Harris County, Texas; said 375.490 acre
3-58 tract being all of Parcel 2 and part of Parcel 1 of those certain
3-59 tracts of land conveyed to Browning-Ferris, Inc. in Clerk's File
3-60 No. J423478 of the Official Public Records of Real Property of
3-61 Harris County (O.P.R.R.P.H.C.); said 375.4904 acre tract being more
3-62 particularly described by metes and bounds as follows:

3-63 BEGINNING at a 2 inch iron pipe found marking the South East
3-64 corner of said Parcel 2 and this 375.4904 acre tract, said iron pipe
3-65 also being at the west right-of-way line of Katy-Hockley Road (60
3-66 ROW) with the south line of said Alex Gulliver Survey (Texas State
3-67 Plane Grid Coordinate - N 13,901,376.95, E 2,979,348.81) from which
3-68 a 6"x8" wood post bears 3.4' South and 1' West and a 6"x8" wood post
3-69 bears 9.8' North and 7.4' West;

4-1 THENCE with the South line of said Parcel 2 and said Alex
4-2 Gulliver Survey S 87° 45' 04" W (call N 89° 35' 30" W), a distance of
4-3 3693.56 feet (call 3693.5') to a 5/8 inch iron rod found marking the
4-4 South West corner of said Parcel 2 and this 375.4904 acre tract from
4-5 which a found 2 inch iron pipe bears 0.3 feet South and 1.1 feet West
4-6 and a 10" wood post bears 0.4' North and 0.7' East and a 6"x6" post
4-7 bears 7.0' North;
4-8 THENCE with the West line of said Parcel 1 and Parcel 2 N 02°
4-9 39' 32" W (call North); passing at 3543.85 feet a 5/8 inch rod found
4-10 on line; for a total distance of 3738.68 feet to a point marking the
4-11 most Westerly Northwest corner of this 375.4904 acre tract and the
4-12 center of Cypress Creek from which a found 5/8 inch iron rod on the
4-13 South right-of-way line of Jack Road bears N 02° 39' 32" W -
4-14 7855.85';
4-15 THENCE in a Northeasterly direction following the centerline
4-16 of Cypress Creek as follows;
4-17 N 77° 15' 48" E a distance of 101.67';
4-18 N 44° 09' 12" E a distance of 364.36';
4-19 N 52° 36' 41" E a distance of 96.99';
4-20 N 69° 47' 56" E a distance of 257.30';
4-21 N 70° 28' 26" E a distance of 40.96';
4-22 N 60° 01' 08" E a distance of 306.21';
4-23 N 34° 02' 48" E a distance of 206.56';
4-24 N 54° 45' 52" E a distance of 379.68';
4-25 S 87° 13' 46" E a distance of 304.19';
4-26 N 60° 37' 56" E a distance of 202.01';
4-27 N 72° 51' 00" E a distance of 123.01';
4-28 N 75° 04' 09" E a distance of 106.47';
4-29 S 82° 54' 21" E a distance of 217.72';
4-30 N 67° 26' 24" E a distance of 43.87';
4-31 N 44° 46' 22" E a distance of 22.16';
4-32 N 27° 45' 53" E a distance of 146.73';
4-33 N 10° 34' 30" E a distance of 107.54';
4-34 N 04° 41' 58" E a distance of 155.90';
4-35 N 10° 17' 33" W a distance of 109.20';
4-36 N 19° 34' 23" W a distance of 96.97';
4-37 N 13° 40' 48" E a distance of 78.84';
4-38 N 42° 29' 48" E a distance of 94.79';
4-39 N 44° 24' 16" E a distance of 185.03';
4-40 N 68° 38' 22" E a distance of 54.86';
4-41 N 87° 07' 41" E a distance of 102.87';
4-42 S 75° 42' 29" E a distance of 88.44';
4-43 S 59° 29' 38" E a distance of 143.78';
4-44 S 44° 01' 53" E a distance of 268.54';
4-45 S 57° 21' 29" E a distance of 73.29';
4-46 S 81° 34' 10" E a distance of 106.15';
4-47 N 58° 07' 34" E a distance of 185.00';
4-48 N 67° 38' 05" E a distance of 91.09 feet to the Northeast
4-49 corner of this 375.4904 acre tract;
4-50 THENCE leaving the centerline of Cypress Creek and following
4-51 the West line of said Katy-Hockley Road S 02° 40' 13" E (call South);
4-52 passing at 78.03 feet a 5/8 inch iron rod with cap set on line; for a
4-53 total distance of 406.03 feet to a bent 5/8 inch iron rod found at an
4-54 offset in the West line of said road;
4-55 THENCE N 88° 51' 46" E (call East) a distance of 19.92 feet
4-56 (call 20.00') to a found 5/8 inch iron rod in the West line of said
4-57 Katy-Hockley Road;
4-58 THENCE with the West line of said Katy-Hockley Road S 02° 09'
4-59 39" E (call South) a distance of 8.28 feet (call 8.25') to a set 5/8
4-60 inch iron rod with cap marking the North East corner of that certain
4-61 27.84 acre conservation easement conveyed to Wetland Habitat
4-62 Alliance of Texas, Inc. in Clerk's File No. Z224251 of the Harris
4-63 County Clerk's File (HCCF) from which a 6"x8" wood post bears 0.1'
4-64 North and 5.3' West;
4-65 THENCE along the North line of said 27.84 acre tract N 89° 16'
4-66 47" W (call N 89° 16' 46" W) a distance of 481.38 feet to a set 5/8
4-67 inch iron rod with cap for a corner;
4-68 THENCE along the North line of said 27.84 acre tract S 89° 25'
4-69 12" W (call S 89° 24' 54" W) a distance of 445.28 feet to a set 5/8

5-1 inch iron rod with cap for a corner;
5-2 THENCE along the Westerly line of said 27.84 acre tract S 26°
5-3 10' 39" W (call S 26° 10' 48" W) a distance of 770.56 feet to a found
5-4 6 inch metal fence post for a corner;
5-5 THENCE along the West line of said 27.84 acre tract S 10° 38'
5-6 48" E (call S 10° 38' 39" E) a distance of 391.77 feet to a set 5/8
5-7 inch iron rod with cap marking the Southwest corner of said 27.84
5-8 acre tract from which a 6 inch fence post bears 0.6' North and 0.6'
5-9 East;
5-10 THENCE along the South line of said 27.84 acre tract N 86° 26'
5-11 48" E (call N 86° 27' 01" E) a distance of 1242.91 (call 1242.97')
5-12 feet to a set 5/8 inch iron rod with cap marking the Southeast
5-13 corner of said 27.84 acre tract on the West line of said
5-14 Katy-Hockley Road from which a 4" wood post bears 0.2' North and
5-15 1.1' East;
5-16 THENCE with the West line of said Katy-Hockley Road and said
5-17 Parcels 1 and Parcel 2 S 02° 39' 32" E (call South) a distance of
5-18 4007.75 feet to the POINT OF BEGINNING. Bearings based on Texas
5-19 Coordinate System NAD 83 (SCZ).
5-20 TRACT 2
5-21 Being 131.7873 acres of land situated partially in the Alex
5-22 Gulliver Survey, Abstract No. 287 and partially within the Thomas
5-23 Coghill Survey, Abstract No. 203, Harris County, Texas, and being
5-24 all of that certain called 131.8340 acre tract of land as conveyed
5-25 to James M. Meley, by deed, recorded under Harris County Clerk's
5-26 File No. P295053, on June 17, 1993. Said 131.7873 acre tract being
5-27 more fully described by metes and bounds as follows:
5-28 All bearings referenced herein are based on the Texas State
5-29 Plane Coordinate System, Texas South Central Zone.
5-30 COMMENCING at a 1/2 inch iron rod inside of a 2 inch iron pipe
5-31 found for the southeasterly boundary corner of that certain called
5-32 375.4904 acre tract of land as conveyed to Cunningham Interests II,
5-33 Ltd., by deed, recorded under Harris County Clerk's File
5-34 No. 20110540938, on December 21, 2011, and being the northeasterly
5-35 boundary corner of that certain called 440.7637 acre tract of land
5-36 as conveyed to Harris County Flood Control District, by deed,
5-37 recorded under Harris County Clerk's File No. V437474, on October
5-38 31, 2001, also being located in the westerly right-of-way line of
5-39 Katy - Hockley Road, based on a width of 60 feet;
5-40 THENCE South 87°45'10" West, along the common boundary line
5-41 between the said 375.4904 acre tract and the said 440.7637 acre
5-42 tract, for a distance of 3,693.56 feet, to a 5/8 inch iron rod found
5-43 for the POINT OF BEGINNING of the herein described tract of land;
5-44 THENCE South 87°45'10" West, continuing along the northerly
5-45 boundary line of the said 440.7637 acre tract of land, for a
5-46 distance of 1,644.87 feet, to a 5/8 inch iron rod found for corner,
5-47 said iron rod being the southeasterly boundary corner of that
5-48 certain called 50.9771 acre tract as conveyed to N.W.R.C. Land,
5-49 Ltd., by deed, recorded under Harris County Clerk's File
5-50 No. P295056, on June 17, 1993;
5-51 THENCE North 21°34'47" West, along the easterly boundary line
5-52 of the said 50.9771 acre tract, passing at a distance of 1,576.52
5-53 feet, a 5/8 inch iron rod found on line for reference, and
5-54 continuing on for a total distance of 1,772.23 feet, to the
5-55 centerline of Cypress Creek, a natural drainage course;
5-56 THENCE along the natural meanders of Cypress Creek, the
5-57 following thirteen (13) courses and distances:
5-58 South 84°00'48" East, for a distance of 42.29 feet to a
5-59 point for corner;
5-60 North 48°15'04" East, for a distance of 244.19 feet to a
5-61 point for corner;
5-62 North 33°00'21" East, for a distance of 156.79 feet to a
5-63 point for corner;
5-64 North 23°17'34" East, for a distance of 279.59 feet to a
5-65 point for corner;
5-66 North 38°51'29" East, for a distance of 113.35 feet to a
5-67 point for corner;
5-68 North 41°48'59" East, for a distance of 89.56 feet to a
5-69 point for corner;

6-1 North 43°13'33" East, for a distance of 366.87 feet to a
6-2 point for corner;
6-3 North 48°08'11" East, for a distance of 268.75 feet to a
6-4 point for corner;
6-5 North 41°56'26" East, for a distance of 480.31 feet to a
6-6 point for corner;
6-7 North 40°42'48" East, for a distance of 271.12 feet to a
6-8 point for corner;
6-9 North 53°11'28" East, for a distance of 194.90 feet to a
6-10 point for corner;
6-11 North 53°39'35" East, for a distance of 337.61 feet to a
6-12 point for corner;
6-13 North 56°23'37" East, for a distance of 232.22 feet to a
6-14 point for corner, said point being the northwesterly boundary
6-15 corner of the said 375.4904 acre tract;
6-16 THENCE South 02°39'34" East, along the westerly boundary line
6-17 of the said 375.4904 acre tract, for a distance of 3743.84 feet, to
6-18 the POINT OF BEGINNING and containing within these calls 5,740,655
6-19 square feet or 131.7873 acres of land.

6-20 SECTION 3. (a) The legal notice of the intention to
6-21 introduce this Act, setting forth the general substance of this
6-22 Act, has been published as provided by law, and the notice and a
6-23 copy of this Act have been furnished to all persons, agencies,
6-24 officials, or entities to which they are required to be furnished
6-25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-26 Government Code.

6-27 (b) The governor, one of the required recipients, has
6-28 submitted the notice and Act to the Texas Commission on
6-29 Environmental Quality.

6-30 (c) The Texas Commission on Environmental Quality has filed
6-31 its recommendations relating to this Act with the governor, the
6-32 lieutenant governor, and the speaker of the house of
6-33 representatives within the required time.

6-34 (d) All requirements of the constitution and laws of this
6-35 state and the rules and procedures of the legislature with respect
6-36 to the notice, introduction, and passage of this Act are fulfilled
6-37 and accomplished.

6-38 SECTION 4. (a) If this Act does not receive a two-thirds
6-39 vote of all the members elected to each house, Subchapter C, Chapter
6-40 7911, Special District Local Laws Code, as added by Section 1 of
6-41 this Act, is amended by adding Section 7911.106 to read as follows:

6-42 Sec. 7911.106. NO EMINENT DOMAIN POWER. The district may
6-43 not exercise the power of eminent domain.

6-44 (b) This section is not intended to be an expression of a
6-45 legislative interpretation of the requirements of Section 17(c),
6-46 Article I, Texas Constitution.

6-47 SECTION 5. This Act takes effect immediately if it receives
6-48 a vote of two-thirds of all the members elected to each house, as
6-49 provided by Section 39, Article III, Texas Constitution. If this
6-50 Act does not receive the vote necessary for immediate effect, this
6-51 Act takes effect September 1, 2015.

6-52 * * * * *