

1-1 By: Taylor S.B. No. 2449
1-2 (In the Senate - Filed March 18, 2019; March 27, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 15, 2019, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 15, 2019, 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. 568; 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 8349 to read as follows:

1-24 CHAPTER 8349. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 568

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8349.0101. 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. 568.

1-33 Sec. 8349.0102. 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. 8349.0103. CONFIRMATION AND DIRECTOR 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. 8349.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section
1-42 8349.0103 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. 8349.0105. 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. 8349.0106. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8349.0201. GOVERNING BODY; TERMS. (a) The district
 2-9 is governed by a board of five elected directors.
 2-10 (b) Except as provided by Section 8349.0202, directors
 2-11 serve staggered four-year terms.

2-12 Sec. 8349.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-13 board consists of:

- 2-14 (1) James M. Pratt;
- 2-15 (2) Eric P. Mayfield;
- 2-16 (3) Spencer Harkness;
- 2-17 (4) Courtney Blackburn; and
- 2-18 (5) Bryson Grover.

2-19 (b) Temporary directors serve until the earlier of:
 2-20 (1) the date permanent directors are elected under
 2-21 Section 8349.0103; 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 8349.0103 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 8349.0103; 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.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8349.0301. GENERAL POWERS AND DUTIES. The district
 2-42 has the powers and duties necessary to accomplish the purposes for
 2-43 which the district is created.

2-44 Sec. 8349.0302. 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. 8349.0303. 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. 8349.0304. 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. 8349.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

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

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 8349.0401. 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 8349.0403.

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. 8349.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 8349.0401, the
3-21 district may impose an operation and maintenance tax on taxable
3-22 property in the district in accordance with Section 49.107, Water
3-23 Code.

3-24 (b) The board shall determine the tax rate. The rate may not
3-25 exceed the rate approved at the election.

3-26 Sec. 8349.0403. CONTRACT TAXES. (a) In accordance with
3-27 Section 49.108, Water Code, the district may impose a tax other than
3-28 an operation and maintenance tax and use the revenue derived from
3-29 the tax to make payments under a contract after the provisions of
3-30 the contract have been approved by a majority of the district voters
3-31 voting at an election held for that purpose.

3-32 (b) A contract approved by the district voters may contain a
3-33 provision stating that the contract may be modified or amended by
3-34 the board without further voter approval.

3-35 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-36 Sec. 8349.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-37 OBLIGATIONS. The district may issue bonds or other obligations
3-38 payable wholly or partly from ad valorem taxes, impact fees,
3-39 revenue, contract payments, grants, or other district money, or any
3-40 combination of those sources, to pay for any authorized district
3-41 purpose.

3-42 Sec. 8349.0502. TAXES FOR BONDS. At the time the district
3-43 issues bonds payable wholly or partly from ad valorem taxes, the
3-44 board shall provide for the annual imposition of a continuing
3-45 direct ad valorem tax, without limit as to rate or amount, while all
3-46 or part of the bonds are outstanding as required and in the manner
3-47 provided by Sections 54.601 and 54.602, Water Code.

3-48 Sec. 8349.0503. BONDS FOR ROAD PROJECTS. At the time of
3-49 issuance, the total principal amount of bonds or other obligations
3-50 issued or incurred to finance road projects and payable from ad
3-51 valorem taxes may not exceed one-fourth of the assessed value of the
3-52 real property in the district.

3-53 SECTION 2. The Harris County Municipal Utility District No.
3-54 568 initially includes all the territory contained in the following
3-55 area:

3-56 Being 134.40 acres of land located in the Thomas Choate
3-57 League, Abstract No. 12, Harris County, Texas; being a portion of
3-58 that certain called 381.61 acre tract of land described in an
3-59 instrument of record under in Volume 834, Page 533, of the Deed
3-60 Records of said Harris County, Texas (H.C.D.R.) (hereinafter
3-61 referred to as the 381.61 acre Beamer Tract), of which one quarter
3-62 (1/4) interests in said 381.61 acre Beamer Tract were conveyed
3-63 equally to Kathryn Beamer Breiling, individually and as Trustee and
3-64 Scott Beamer, individually and as Trustee by an instrument of
3-65 record under File Number K242495, of the Official Public Records of
3-66 Real Property of Harris County, Texas (H.C.O.P.R.R.P.) and a
3-67 portion of a separate called 381.61 acre tract of land was conveyed
3-68 to George A. Scott by an instrument of record under in Volume 834,
3-69 Page 534, H.C.D.R. (hereinafter referred to as the 381.61 acre

4-1 Scott Tract), said 130.40 acres being more particularly described
 4-2 by metes and bounds as follows, all bearings referenced to the Texas
 4-3 Coordinate System, South Central Zone, NAD 83 (1993 adjustment):

4-4 BEGINNING at a 5/8-inch iron rod with cap stamped "Baseline
 4-5 Corp" found for the southeast corner of a 3.1271 acre tract of land
 4-6 (described as Parcel No. 2, Part 2B) conveyed to County of Houston
 4-7 for the widening of Beamer Road of record under File Number
 4-8 2014032626, H.C.O.P.R.R.P., also being the northwest corner of
 4-9 Restricted Reserve "A" of Clear Creek I.S.D. Intermediate School
 4-10 No. 9, a subdivision of record under Film Code Number 579002, of the
 4-11 Map Records of Harris County, Texas (H.C.M.R.), said point being on
 4-12 the easterly right-of-way line of Beamer Road (width varies) Volume
 4-13 69, Page 231 and Volume 663, Page 272, Deed Records of Harris County
 4-14 Texas (H.C.D.R.), Volume 315, Page 30, H.C.M.R. and Film Code
 4-15 Number 579002, H.C.M.R. and File Number 2014032626,
 4-16 H.C.O.P.R.R.P.;

4-17 Thence, along the easterly line of said Beamer Road described
 4-18 in File Number 2014032626, H.C.O.P.R.R.P. the following six (6)
 4-19 courses:

4-20 1. North 48° 26' 02" West, 42.19 feet to a 5/8-inch iron rod
 4-21 with cap stamped "Baseline Corp" found for corner, the beginning of
 4-22 a curve;

4-23 2. 141.83 feet, along the arc of a tangent curve to the
 4-24 right, having a radius of 1,849.86 feet, a central angle of 04° 23'
 4-25 34", and a chord which bears North 46° 14' 14" West 141.79 feet to a
 4-26 5/8-inch iron rod with cap stamped "Baseline Corp" found for
 4-27 corner;

4-28 3. North 44° 02' 27" West, 304.11 feet to a 5/8-inch iron rod
 4-29 with cap stamped "Baseline Corp" found for corner, the beginning of
 4-30 a curve;

4-31 4. 147.99 feet, along the arc of a tangent curve to the left,
 4-32 having a radius of 1,969.86 feet, a central angle of 04° 18' 16", and
 4-33 a chord which bears North 46° 11' 35" West 147.95 feet to a 5/8-inch
 4-34 iron rod with cap stamped "Baseline Corp" found for corner;

4-35 5. North 48° 20' 43" West, 1,827.98 feet to a 5/8-inch iron
 4-36 rod with cap stamped "Baseline Corp" found for corner;

4-37 6. South 41° 39' 45" West, 61.62 feet to a point for the
 4-38 northwest corner of the aforementioned 3.1271 acre tract, said
 4-39 point being on the easterly right-of-way line of Beamer Road
 4-40 described in Volume 663, Page 272, H.C.D.R. (called 60 feet wide at
 4-41 this point);

4-42 Thence, North 48° 24' 53" West, continuing along the easterly
 4-43 line of said Beamer Road, 1,216.93 feet to a point for corner;

4-44 Thence, North 18° 55' 59" East, departing said easterly
 4-45 right-of-way line, at 2.30 feet pass a 5/8-inch iron rod with
 4-46 aluminum disk stamped HL&P CO PT 103C found for the southwest corner
 4-47 of a 2.298 acre Houston Lighting & Power Company right-of-way
 4-48 easement (120 feet wide at this point) granted under File Number
 4-49 L544227, H.C.O.P.R.R.P., continuing in all a total distance of
 4-50 54.36 feet to an angle point on the southeasterly line of said
 4-51 right-of-way easement (80 feet wide at this point);

4-52 Thence, North 44° 16' 59" East, continuing along the
 4-53 southeasterly line of said right-of-way easement, 520.81 feet to a
 4-54 point for corner, from which a found 5/8-inch iron rod with aluminum
 4-55 disk stamped HL&P CO PT 101A at an angle point on the southeasterly
 4-56 line of said right-of-way easement bears North 44° 16' 59" East,
 4-57 360.31 feet;

4-58 Thence, South 46° 14' 34" East, departing said southeasterly
 4-59 line and generally along the westerly line of a dirt road, 325.93
 4-60 feet to a point for corner ;

4-61 Thence, North 41° 35' 30" East, generally along the remains of
 4-62 a 4 foot barbed wire fence, 1,134.09 feet to a point for corner on
 4-63 the easterly line of the aforementioned 381.61 acre Scott Tract,
 4-64 same being the westerly line of the residue of that certain called
 4-65 76.52 acre tract described conveyed to Thomas Franklin Riggs,
 4-66 Catherine Riggs, Brian Riggs and Grace India Riggs by an instrument
 4-67 of record under File Number F028674, H.C.O.P.R.R.P., to Bumble Bee
 4-68 Partners, Ltd by an instrument of record under File Number T669265,
 4-69 H.C.O.P.R.R.P., and to Tessa Ellen Blake by an instrument of record

5-1 under File Number W794835, H.C.O.P.R.R.P.;
5-2 Thence, South 49° 45' 00" East, along the easterly line of
5-3 said 381.61 acre Scott Tract and the westerly line of said 76.52
5-4 acre tract and its extension along Glenwest Drive (60 feet wide at
5-5 this point) as shown on Film Code Number 660047, H.C.M.R., 3,351.29
5-6 feet to a 3/4-inch iron pipe for the northeast corner of that
5-7 certain called 99.19 acre tract conveyed to Lakefield Realty, Inc.
5-8 by an instrument of record under File Number U476294,
5-9 H.C.O.P.R.R.P., said point being an angle point on the westerly
5-10 right-of-way line of Glenwest Drive;

5-11 Thence, South 41° 34' 48" West, along the northwesterly line
5-12 of said 99.19 acre tract, at 466.79 feet pass a 1-1/4-inch iron pipe
5-13 found for the most western northeast corner of Restricted Reserve
5-14 "A" of the aforementioned Clear Creek I.S.D. Intermediate School
5-15 No. 9 subdivision, continuing along the northwest line of said
5-16 Reserve "A", in all a total distance of 1,745.13 feet to the POINT
5-17 OF BEGINNING and containing 134.40 acre of land.

5-18 SECTION 3. (a) The legal notice of the intention to
5-19 introduce this Act, setting forth the general substance of this
5-20 Act, has been published as provided by law, and the notice and a
5-21 copy of this Act have been furnished to all persons, agencies,
5-22 officials, or entities to which they are required to be furnished
5-23 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-24 Government Code.

5-25 (b) The governor, one of the required recipients, has
5-26 submitted the notice and Act to the Texas Commission on
5-27 Environmental Quality.

5-28 (c) The Texas Commission on Environmental Quality has filed
5-29 its recommendations relating to this Act with the governor, the
5-30 lieutenant governor, and the speaker of the house of
5-31 representatives within the required time.

5-32 (d) All requirements of the constitution and laws of this
5-33 state and the rules and procedures of the legislature with respect
5-34 to the notice, introduction, and passage of this Act are fulfilled
5-35 and accomplished.

5-36 SECTION 4. (a) If this Act does not receive a two-thirds
5-37 vote of all the members elected to each house, Subchapter C, Chapter
5-38 8349, Special District Local Laws Code, as added by Section 1 of
5-39 this Act, is amended by adding Section 8349.0306 to read as follows:

5-40 Sec. 8349.0306. NO EMINENT DOMAIN POWER. The district may
5-41 not exercise the power of eminent domain.

5-42 (b) This section is not intended to be an expression of a
5-43 legislative interpretation of the requirements of Section 17(c),
5-44 Article I, Texas Constitution.

5-45 SECTION 5. This Act takes effect immediately if it receives
5-46 a vote of two-thirds of all the members elected to each house, as
5-47 provided by Section 39, Article III, Texas Constitution. If this
5-48 Act does not receive the vote necessary for immediate effect, this
5-49 Act takes effect September 1, 2019.

5-50 * * * * *