

1-1 By: Bettencourt S.B. No. 2523
1-2 (In the Senate - Filed April 3, 2019; April 4, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 23, 2019, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; April 23, 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. 572; 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 8026 to read as follows:

1-24 CHAPTER 8026. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 572

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8026.0101. 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. 572.

1-33 Sec. 8026.0102. 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. 8026.0103. 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. 8026.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section
1-42 8026.0103 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. 8026.0105. 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. 8026.0106. 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. 8026.0201. 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 8026.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8026.0202. TEMPORARY DIRECTORS. (a) The temporary

2-13 board consists of:

- 2-14 (1) Steve Habachy;
- 2-15 (2) John Linker;
- 2-16 (3) Mark Ramos;
- 2-17 (4) Jonathan Sanders; and
- 2-18 (5) Chris Barnes.

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

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

2-21 Section 8026.0103; 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 8026.0103 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 8026.0103; 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. 8026.0301. 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. 8026.0302. 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. 8026.0303. 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. 8026.0304. 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. 8026.0305. 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. 8026.0401. 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 8026.0403.

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. 8026.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 8026.0401, 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. 8026.0403. 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. 8026.0501. 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. 8026.0502. 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. 8026.0503. 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
3-54 No. 572 initially includes all the territory contained in the
3-55 following area:

3-56 Being 54.749 acres of land, in the William Hurd Survey, A-376
3-57 and the F. Benignus Survey, A-1463, Harris County, Texas, being a
3-58 portion of PARKSIDE GRAND PARKWAY RESERVE, according to the plat
3-59 thereof recorded under Film Code Number 683283 in the Map Records of
3-60 Harris County, Texas, and being more particularly described by
3-61 metes and bounds as follows: (All bearings based on the Texas
3-62 Coordinate System of 1983, South Central Zone)

3-63 COMMENCING at a 5/8 inch iron rod with cap stamped "Rods
3-64 Surveying Inc." found for the northwest corner of said PARKSIDE
3-65 GRAND PARKWAY RESERVE and being the northwest corner of a 0.2941
3-66 acre tract dedicated to the public for right-of-way purposes as
3-67 shown on said plat of PARKSIDE GRAND PARKWAY RESERVE;

3-68 THENCE North 87° 26' 12" East - 20.00 feet, with the north line
3-69 of said PARKSIDE GRAND PARKWAY RESERVE and said 0.2941 acre tract,

4-1 to a 5/8-inch iron rod with "IDS" cap set for the northwest corner
 4-2 and POINT OF BEGINNING of the herein described tract and being the
 4-3 northeast corner of said 0.2941 acre tract;

4-4 THENCE North $87^{\circ} 26' 12''$ East - 1645.07 feet, with the north
 4-5 line of the herein described tract and the south line of the 15.668
 4-6 acre tract described in the deed from Roy H. Barrett to Premier
 4-7 Baseball Real Estate recorded in File Number 20120587605 in the
 4-8 Official Public Records of Real Property of Harris County, Texas,
 4-9 to a 5/8-inch iron rod with cap stamped "IDS" found for the
 4-10 northeast corner of the herein described tract, in the west line of
 4-11 the 3.11 acre tract described in the deeds from Judith Mullen as
 4-12 Executrix for the Estate Of John W. Mullen to Lillian Jaeger Hall
 4-13 (1/2 Interest) recorded in File Number V164309 in the Official
 4-14 Public Records of Real Property of Harris County, Texas and the deed
 4-15 from Paul Fehrle to Lawrence Lind and Michael Fitzmaurice (1/2
 4-16 Interest) recorded in File Number G130286 in the Official Public
 4-17 Records of Real Property of Harris County, Texas;

4-18 THENCE South $02^{\circ} 31' 19''$ East - 1581.42 feet, with the west
 4-19 line of said 3.11 acre tract, to a 5/8-inch iron rod with cap
 4-20 stamped "IDS" found for the southeast corner of the herein
 4-21 described tract and being the northeast corner of the residue of a
 4-22 called 111.8154 acre tract described in the deed from HSIEN DAO
 4-23 CHANG, TRUSTEE to ROSEHILL PROPERTIES, LLC recorded in File Number
 4-24 RP-2017-430616 in the Official Public Records of Real Property of
 4-25 Harris County, Texas;

4-26 THENCE South $88^{\circ} 19' 57''$ West - 627.31 feet, with the line
 4-27 common to the herein described tract and said residue tract, to a
 4-28 5/8-inch iron rod with cap stamped "IDS" found for an angle point on
 4-29 the north right-of-way line of State Highway 99 Grand Parkway
 4-30 (R.O.W. Varies);

4-31 THENCE with northerly lines of said State Highway 99 the
 4-32 following courses and distances:

4-33 North $13^{\circ} 27' 48''$ East - 56.51 feet to a TXDOT monument
 4-34 found for the beginning of a non-tangent curve to the right; in a
 4-35 westerly direction, with said curve to the right, having a central
 4-36 angle of $00^{\circ} 58' 17''$, a chord bearing and distance of North $76^{\circ} 06'$
 4-37 $03''$ West - 188.67 feet, a radius of 11127.71 feet, and an arc
 4-38 distance of 188.67 feet to a TXDOT monument found for the end of
 4-39 curve;

4-40 North $75^{\circ} 36' 54''$ West - 958.09 feet, to a 5/8-inch iron
 4-41 rod with cap stamped "IDS" set for the southwest corner of the
 4-42 herein described tract, at the northeast intersection of said State
 4-43 Highway 99 Grand Parkway and Cypress-Rosehill Road (width varies);

4-44 THENCE with the east right-of-way line of said
 4-45 Cypress-Rosehill Road the following courses and distances:

4-46 North $02^{\circ} 28' 33''$ East - 108.79 feet, to a 5/8-inch iron
 4-47 rod with cap stamped "MILLER" found for an angle corner;

4-48 North $11^{\circ} 10' 09''$ East - 71.87 feet, to a TXDOT monument
 4-49 found for the beginning of a curve to the left; in a northerly
 4-50 direction, with said curve to the left, having a central angle of
 4-51 $17^{\circ} 10' 54''$, a chord bearing and distance of North $06^{\circ} 07' 34''$ East -
 4-52 253.91 feet, a radius of 849.89 feet, and an arc distance of 254.86
 4-53 feet to a PK nail with washer stamped "IDS" set for the end of curve;

4-54 North $02^{\circ} 27' 53''$ West - 138.89 feet, to a 5/8-inch iron
 4-55 rod with cap stamped "IDS" found for the southeast corner of said
 4-56 0.2941 acre tract, from which a found TXDOT monument, bears South
 4-57 $87^{\circ} 32' 07''$ West - 21.57 feet;

4-58 North $02^{\circ} 34' 19''$ West - 616.47 feet, to the POINT OF
 4-59 BEGINNING of the herein described tract and containing 54.749 acres
 4-60 of land.

4-61 SECTION 3. (a) The legal notice of the intention to
 4-62 introduce this Act, setting forth the general substance of this
 4-63 Act, has been published as provided by law, and the notice and a
 4-64 copy of this Act have been furnished to all persons, agencies,
 4-65 officials, or entities to which they are required to be furnished
 4-66 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-67 Government Code.

4-68 (b) The governor, one of the required recipients, has
 4-69 submitted the notice and Act to the Texas Commission on

5-1 Environmental Quality.

5-2 (c) The Texas Commission on Environmental Quality has filed
5-3 its recommendations relating to this Act with the governor, the
5-4 lieutenant governor, and the speaker of the house of
5-5 representatives within the required time.

5-6 (d) All requirements of the constitution and laws of this
5-7 state and the rules and procedures of the legislature with respect
5-8 to the notice, introduction, and passage of this Act are fulfilled
5-9 and accomplished.

5-10 SECTION 4. (a) If this Act does not receive a two-thirds
5-11 vote of all the members elected to each house, Subchapter C, Chapter
5-12 8026, Special District Local Laws Code, as added by Section 1 of
5-13 this Act, is amended by adding Section 8026.0306 to read as follows:

5-14 Sec. 8026.0306. NO EMINENT DOMAIN POWER. The district may
5-15 not exercise the power of eminent domain.

5-16 (b) This section is not intended to be an expression of a
5-17 legislative interpretation of the requirements of Section 17(c),
5-18 Article I, Texas Constitution.

5-19 SECTION 5. This Act takes effect immediately if it receives
5-20 a vote of two-thirds of all the members elected to each house, as
5-21 provided by Section 39, Article III, Texas Constitution. If this
5-22 Act does not receive the vote necessary for immediate effect, this
5-23 Act takes effect September 1, 2019.

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