

1-1 By: Miles S.B. No. 2166
1-2 (In the Senate - Filed March 25, 2021; April 12, 2021, read
1-3 first time and referred to Committee on Local Government;
1-4 April 27, 2021, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 27, 2021, 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	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation of the Harris County Municipal Utility
1-20 District No. 580; granting a limited power of eminent domain;
1-21 providing authority to issue bonds; providing authority to impose
1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-25 Code, is amended by adding Chapter 7923A to read as follows:

1-26 CHAPTER 7923A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 580

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7923A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.

1-30 (2) "Commission" means the Texas Commission on
1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Harris County Municipal
1-34 Utility District No. 580.

1-35 Sec. 7923A.0102. NATURE OF DISTRICT. The district is a
1-36 municipal utility district created under Section 59, Article XVI,
1-37 Texas Constitution.

1-38 Sec. 7923A.0103. CONFIRMATION AND DIRECTOR ELECTION
1-39 REQUIRED. The temporary directors shall hold an election to
1-40 confirm the creation of the district and to elect five permanent
1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7923A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-43 temporary directors may not hold an election under Section
1-44 7923A.0103 until each municipality in whose corporate limits or
1-45 extraterritorial jurisdiction the district is located has
1-46 consented by ordinance or resolution to the creation of the
1-47 district and to the inclusion of land in the district.

1-48 Sec. 7923A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
1-54 relate to the construction, acquisition, improvement, operation,
1-55 or maintenance of macadamized, graveled, or paved roads, or
1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 7923A.0106. INITIAL DISTRICT TERRITORY. (a) The
1-58 district is initially composed of the territory described by
1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
1-61 the Act enacting this chapter form a closure. A mistake made in the

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:
 2-3 (1) organization, existence, or validity;
 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
 2-7 (3) right to impose a tax; or
 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 7923A.0201. GOVERNING BODY; TERMS. (a) The district
 2-11 is governed by a board of five elected directors.

2-12 (b) Except as provided by Section 7923A.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 7923A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-15 board consists of:

- 2-16 (1) Maria Ramirez;
- 2-17 (2) Courtney Johnson Rose;
- 2-18 (3) Robert Walters;
- 2-19 (4) Andrew Lynton Smith; and
- 2-20 (5) Austin Baker.

2-21 (b) Temporary directors serve until the earlier of:

2-22 (1) the date permanent directors are elected under
 2-23 Section 7923A.0103; or

2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 7923A.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

2-31 (1) the date permanent directors are elected under
 2-32 Section 7923A.0103; or

2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7923A.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 7923A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 7923A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-52 Section 52, Article III, Texas Constitution, the district may
 2-53 design, acquire, construct, finance, issue bonds for, improve,
 2-54 operate, maintain, and convey to this state, a county, or a
 2-55 municipality for operation and maintenance macadamized, graveled,
 2-56 or paved roads, or improvements, including storm drainage, in aid
 2-57 of those roads.

2-58 Sec. 7923A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-59 road project must meet all applicable construction standards,
 2-60 zoning and subdivision requirements, and regulations of each
 2-61 municipality in whose corporate limits or extraterritorial
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
 2-64 or extraterritorial jurisdiction of a municipality, the road
 2-65 project must meet all applicable construction standards,
 2-66 subdivision requirements, and regulations of each county in which
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.
3-2 Sec. 7923A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-3 ORDINANCE OR RESOLUTION. The district shall comply with all
3-4 applicable requirements of any ordinance or resolution that is
3-5 adopted under Section 54.016 or 54.0165, Water Code, and that
3-6 consents to the creation of the district or to the inclusion of land
3-7 in the district.

3-8 Sec. 7923A.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
3-9 district may not exercise the power of eminent domain outside the
3-10 district to acquire a site or easement for:

- 3-11 (1) a road project authorized by Section 7923A.0303;
- 3-12 or
- 3-13 (2) a recreational facility as defined by Section
3-14 49.462, Water Code.

3-15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-16 Sec. 7923A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-17 The district may issue, without an election, bonds and other
3-18 obligations secured by:

- 3-19 (1) revenue other than ad valorem taxes; or
- 3-20 (2) contract payments described by Section
3-21 7923A.0403.

3-22 (b) The district must hold an election in the manner
3-23 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-24 before the district may impose an ad valorem tax or issue bonds
3-25 payable from ad valorem taxes.

3-26 (c) The district may not issue bonds payable from ad valorem
3-27 taxes to finance a road project unless the issuance is approved by a
3-28 vote of a two-thirds majority of the district voters voting at an
3-29 election held for that purpose.

3-30 Sec. 7923A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-31 authorized at an election held under Section 7923A.0401, the
3-32 district may impose an operation and maintenance tax on taxable
3-33 property in the district in accordance with Section 49.107, Water
3-34 Code.

3-35 (b) The board shall determine the tax rate. The rate may not
3-36 exceed the rate approved at the election.

3-37 Sec. 7923A.0403. CONTRACT TAXES. (a) In accordance with
3-38 Section 49.108, Water Code, the district may impose a tax other than
3-39 an operation and maintenance tax and use the revenue derived from
3-40 the tax to make payments under a contract after the provisions of
3-41 the contract have been approved by a majority of the district voters
3-42 voting at an election held for that purpose.

3-43 (b) A contract approved by the district voters may contain a
3-44 provision stating that the contract may be modified or amended by
3-45 the board without further voter approval.

3-46 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-47 Sec. 7923A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-48 OBLIGATIONS. The district may issue bonds or other obligations
3-49 payable wholly or partly from ad valorem taxes, impact fees,
3-50 revenue, contract payments, grants, or other district money, or any
3-51 combination of those sources, to pay for any authorized district
3-52 purpose.

3-53 Sec. 7923A.0502. TAXES FOR BONDS. At the time the district
3-54 issues bonds payable wholly or partly from ad valorem taxes, the
3-55 board shall provide for the annual imposition of a continuing
3-56 direct ad valorem tax, without limit as to rate or amount, while all
3-57 or part of the bonds are outstanding as required and in the manner
3-58 provided by Sections 54.601 and 54.602, Water Code.

3-59 Sec. 7923A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-60 issuance, the total principal amount of bonds or other obligations
3-61 issued or incurred to finance road projects and payable from ad
3-62 valorem taxes may not exceed one-fourth of the assessed value of the
3-63 real property in the district.

3-64 SECTION 2. The Harris County Municipal Utility District
3-65 No. 580 initially includes all the territory contained in the
3-66 following area:

3-67 Being 105.1803 acres of land located in the J. Halloway
3-68 Survey, Abstract Number 339, Harris County, Texas, more
3-69 particularly being all of Lots 142 through 149, Block 9 of

4-1 Almeda-Genoa Place recorded in Volume 31, Page 10 of the Harris
4-2 County Map Records (H.C.M.R.) (Tract 1), all of a called 4.813-acre
4-3 tract of land recorded in Clerk's File Number RP-2020-21652 of the
4-4 Official Public Records of Real Property of Harris County, Texas
4-5 (O.P.R.R.P.H.C.) (Tract 2), all of the west half of Lot 176 (Tract
4-6 3) of Minnetex Place a subdivision recorded in Volume 2, Page 57 of
4-7 the H.C.M.R., all of Lots 129, 131, 178, 179, the east 1/2 of Lot
4-8 132, the West 1/2 of Lot 130, and the east half of Lot 177, of said
4-9 Minnetex Place (Tract 4), and all of a called 33.9393-acre tract
4-10 recorded in Clerk's File Number U087981 of the O.P.R.R.P.H.C.
4-11 (Tract 5); said 105.1803 acres being more particularly described by
4-12 metes and bounds as follows;

4-13 TRACT 1 - 6.428 ACRES

4-14 All of Lots 142 through 149, Block 9 of Almeda-Genoa Place
4-15 recorded in Volume 31, Page 10 of the Harris County Map Records.

4-16 TRACT 2 - 4.813 ACRES

4-17 4.813 acres of land out of Lot 132, of MINNETEX PLACE, a
4-18 subdivision according to the map or plat recorded in Volume 2, Page
4-19 57, of the Harris County Map Records the same tract of land
4-20 described in Harris County Clerk's File No. VI61329 and being more
4-21 particularly described by metes and bounds as follows:

4-22 Basis for bearings: West line of Lot 132 being North.

4-23 BEGINNING at a 1/2 inch iron rod found for the Southwest
4-24 corner of the herein described 4.813 acre tract, said point also
4-25 being the Southwest corner of Lot 132 and being the common corner of
4-26 Lots 175, 176, 133, and 132, of said Minnitex Place;

4-27 THENCE along the common line of Lots 133 and 132, North a
4-28 distance of 774.80 feet to a 1/2 inch iron rod found for the
4-29 Northwest corner, said point also lying in the established South
4-30 R.O.W. line of Allison Road (60 feet R.O.W.), a.k.a. Lawson Street
4-31 per recorded plat;

4-32 THENCE along the South R.O.W. line of Allison Road, East, a
4-33 distance of 270.60 feet to the Northeast corner of the herein
4-34 described tract, from which a 1-1/4 inch iron pipe bears South 23°
4-35 53' 00" East-0.89 feet;

4-36 THENCE along a line parallel to the common line of Lots 133
4-37 and 132, South a distance of 774.80 feet to a 1/2 inch iron rod found
4-38 for the Southeast corner;

4-39 THENCE along the common line of Lots 176 and 132, West a
4-40 distance of 270.60 feet to the POINT OF BEGINNING and containing
4-41 4.813 acres. (being more commonly known as 5006 Allison Road,
4-42 Houston, Texas 77048).

4-43 TRACT 3 - 5 ACRES

4-44 West 1/2 of Lot 176 of MINNETEX PLACE, a subdivision recorded
4-45 in Volume 2, Page 57, of the Harris County Map Records.

4-46 TRACT 4 - 55 ACRES

4-47 All of Lots 129, 131, 178, 179, the East 1/2 of Lot 132, the
4-48 West 1/2 of Lot 130, and the east half of Lot 177 of MINNETEX PLACE,
4-49 a subdivision recorded in Volume 2, Page 57, of the Harris County
4-50 Map Records.

4-51 TRACT 5 - 33.9393 ACRES

4-52 A TRACT OR PARCEL OF LAND CONTAINING 33.9393 ACRES BEING ALL
4-53 OF LOTS 128, 180, 181 AND THE WEST 1/2 OF LOT 127 OF MINNETEX
4-54 SUBDIVISION IN THE JOHN HOLLOWAY SURVEY, ABSTRACT 339 IN HARRIS
4-55 COUNTY, TEXAS IN THE CITY OF HOUSTON ACCORDING TO THE MAP OR PLAT
4-56 THEREOF RECORDED IN VOLUME 2, PAGE 57 OF THE HARRIS COUNTY MAP
4-57 RECORDS SAID 33.9393 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED
4-58 BY METES AND BOUNDS AS FOLLOWS TO-WIT:

4-59 BEGINNING at a nail at the southwest corner of Lot 109 and the
4-60 Northwest corner of Lot 128 and the Northeast corner of Lot 129
4-61 marking the centerline of Allison Road (60 ft. in width) and Kier
4-62 Street (60 ft. in width);

4-63 THENCE North 87 degrees 33 minutes 10 seconds East with the
4-64 centerline of said Allison Road and the North line of Lot 128 and a
4-65 portion of Lot 127 a distance of 691.35 ft. to a nail at the
4-66 Northeast corner of the herein described tract and marking the
4-67 Northeast corner of the West 1/2 of said Lot 127 and marking the
4-68 Northwest corner of a certain so called 1.0000 acre tract conveyed
4-69 to Donald w. Mather recorded in Film Code 123-96-1150 of the Clerk

5-1 Records of Harris County, Texas instrument of which is dated March
5-2 28, 1979;

5-3 THENCE South 02 degrees 33 minutes 28 seconds East with a
5-4 chain link fence and with the West line of said Mather Tract passing
5-5 a 1/2 inch iron rod in the South right-of-way line of Allison Road
5-6 at 30.00 ft. in all a distance of 363.00 ft. to a 1/2 inch iron rod
5-7 found at a chain link fence corner and marking a reentrant corner of
5-8 the herein described 33.9393 acre tract;

5-9 THENCE North 87 degrees 33 minutes 10 seconds East with the
5-10 South line of said Mather 1.0000 acre tract a distance of 120.00 ft.
5-11 to a 1/2 inch iron rod found at the Southeast corner of said Mather
5-12 Tract and marking the mid Northeast corner of the herein described
5-13 tract in the West boundary line of the Paul L. Yeatts so called
5-14 5.0000 acre tract described in instrument dated May 1, 1995
5-15 recorded in Clerk's File No. 185-64-2027 of the Clerk Records of
5-16 Harris County, Texas;

5-17 THENCE South 02 degrees 33 minutes 28 seconds East with the
5-18 division line of Lot 127 in all a distance of 441.26 ft. to a 3/4
5-19 inch pinch top iron pipe found at an old fence corner and marking
5-20 the so called mid point in the South line of Lot 127 and in North
5-21 boundary of said Lot 181;

5-22 THENCE North 87 degrees 43 minutes 14 seconds East with the
5-23 division line between Lots 127 and 181 a distance of 26.69 ft.
5-24 (called 270.60 ft.) to a 3/4 inch pinch top iron pipe at the lower
5-25 Northeast corner of the herein described tract and said Lot 181 as
5-26 delineated on said map or plat recorded in Volume 2, Page 57 of the
5-27 Harris County Map Records also marking the Southeast corner of said
5-28 Yeatts 5.0000 acre tract;

5-29 THENCE South 02 degrees 21 minutes 23 seconds East with an old
5-30 fence line and with the East boundary line of said Lot 181 a
5-31 distance of 779.94 ft. pass a 1/2 inch iron pipe in the North
5-32 right-of-way line of unimproved Fuqua Road (50 ft. in width) a total
5-33 distance of 804.94 ft. (called 804.9 ft.) to a nail at the southeast
5-34 corner of the herein described tract and said Lot 181 in the
5-35 centerline of said Fuqua Road;

5-36 THENCE South 87 degrees 42 minutes 33 seconds West with the
5-37 South line of Lot 181 and Lot 180 a distance of 1078.74 ft. to a nail
5-38 found at the Southwest corner of said Lot 180 the Northwest corner
5-39 of Lot 204 and Northeast corner of 205 and the Southeast corner of
5-40 Lot 179;

5-41 THENCE North 02 degrees 32 minutes 20 seconds West with the
5-42 centerline of Kier Street (60 ft. in width) and with the West line
5-43 of Lot 180 and 128 and 179 and 129 a distance of 1608.60 ft. (called
5-44 809.8 ft.) to the PLACE OF BEGINNING and containing 33.9393 acres of
5-45 land

5-46 SECTION 3. (a) The legal notice of the intention to
5-47 introduce this Act, setting forth the general substance of this
5-48 Act, has been published as provided by law, and the notice and a
5-49 copy of this Act have been furnished to all persons, agencies,
5-50 officials, or entities to which they are required to be furnished
5-51 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-52 Government Code.

5-53 (b) The governor, one of the required recipients, has
5-54 submitted the notice and Act to the Texas Commission on
5-55 Environmental Quality.

5-56 (c) The Texas Commission on Environmental Quality has filed
5-57 its recommendations relating to this Act with the governor, the
5-58 lieutenant governor, and the speaker of the house of
5-59 representatives within the required time.

5-60 (d) All requirements of the constitution and laws of this
5-61 state and the rules and procedures of the legislature with respect
5-62 to the notice, introduction, and passage of this Act are fulfilled
5-63 and accomplished.

5-64 SECTION 4. (a) Section 7923A.0306, Special District Local
5-65 Laws Code, as added by Section 1 of this Act, takes effect only if
5-66 this Act receives a two-thirds vote of all the members elected to
5-67 each house.

5-68 (b) If this Act does not receive a two-thirds vote of all the
5-69 members elected to each house, Subchapter C, Chapter 7923A, Special

6-1 District Local Laws Code, as added by Section 1 of this Act, is
6-2 amended by adding Section 7923A.0306 to read as follows:

6-3 Sec. 7923A.0306. NO EMINENT DOMAIN POWER. The district may
6-4 not exercise the power of eminent domain.

6-5 (c) This section is not intended to be an expression of a
6-6 legislative interpretation of the requirements of Section 17(c),
6-7 Article I, Texas Constitution.

6-8 SECTION 5. This Act takes effect immediately if it receives
6-9 a vote of two-thirds of all the members elected to each house, as
6-10 provided by Section 39, Article III, Texas Constitution. If this
6-11 Act does not receive the vote necessary for immediate effect, this
6-12 Act takes effect September 1, 2021.

6-13

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