

Chapter 782

H.B. No. 1455

1 AN ACT

2 relating to the creation of the Harris County Municipal Utility  
3 District No. 552; granting a limited power of eminent domain;  
4 providing authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 7978 to read as follows:

9 CHAPTER 7978. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 552

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7978.001. DEFINITIONS. In this chapter:

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

13 (2) "Commission" means the Texas Commission on  
14 Environmental Quality.

15 (3) "Director" means a board member.

16 (4) "District" means the Harris County Municipal  
17 Utility District No. 552.

18 Sec. 7978.002. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7978.003. CONFIRMATION AND DIRECTORS' ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 7978.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7978.003  
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. 7978.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
8 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, or improvement of  
14 macadamized, graveled, or paved roads described by Section 54.234,  
15 Water Code, or improvements, including storm drainage, in aid of  
16 those roads.

17       Sec. 7978.006. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act enacting this chapter.

20       (b) The boundaries and field notes contained in Section 2 of  
21 the Act enacting this chapter form a closure. A mistake made in the  
22 field notes or in copying the field notes in the legislative process  
23 does not affect the district's:

24           (1) organization, existence, or validity;

25           (2) right to issue any type of bond for the purposes  
26 for which the district is created or to pay the principal of and  
27 interest on a bond;

1           (3) right to impose a tax; or

2           (4) legality or operation.

3                   SUBCHAPTER B. BOARD OF DIRECTORS

4           Sec. 7978.051. GOVERNING BODY; TERMS. (a) The district is  
5 governed by a board of five elected directors.

6           (b) Except as provided by Section 7978.052, directors serve  
7 staggered four-year terms.

8           Sec. 7978.052. TEMPORARY DIRECTORS. (a) The temporary  
9 board consists of:

10           (1) Ben Gillis;

11           (2) Bob Bryant;

12           (3) Ken Belanger;

13           (4) Ben Pisklak; and

14           (5) Jonathan Blanscet.

15           (b) Temporary directors serve until the earlier of:

16           (1) the date permanent directors are elected under  
17 Section 7978.003; or

18           (2) June 1, 2021.

19           (c) If permanent directors have not been elected under  
20 Section 7978.003 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 7978.003; 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. 7978.101. 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. 7978.102. 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. 7978.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
18 Section 52, Article III, Texas Constitution, the district may  
19 design, acquire, construct, finance, issue bonds for, improve, and  
20 convey to this state, a county, or a municipality for operation and  
21 maintenance macadamized, graveled, or paved roads described by  
22 Section 54.234, Water Code, or improvements, including storm  
23 drainage, in aid of those roads.

24       (b) The district may exercise the powers provided by this  
25 section without submitting a petition to or obtaining approval from  
26 the commission as required by Section 54.234, Water Code.

27       Sec. 7978.104. APPROVAL OF ROAD PROJECT. (a) The district

1 may not undertake a road project authorized by Section 7978.103  
2 unless:

3 (1) each municipality or county that will operate and  
4 maintain the road has approved the plans and specifications of the  
5 road project, if a municipality or county will operate and maintain  
6 the road; or

7 (2) the Texas Transportation Commission has approved  
8 the plans and specifications of the road project, if the state will  
9 operate and maintain the road.

10 (b) Except as provided by Subsection (a), the district is  
11 not required to obtain approval from the Texas Transportation  
12 Commission to design, acquire, construct, finance, issue bonds for,  
13 improve, or convey a road project.

14 Sec. 7978.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
15 OR RESOLUTION. The district shall comply with all applicable  
16 requirements of any ordinance or resolution that is adopted under  
17 Section 54.016 or 54.0165, Water Code, and that consents to the  
18 creation of the district or to the inclusion of land in the  
19 district.

20 Sec. 7978.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
21 district may not exercise the power of eminent domain outside the  
22 district to acquire a site or easement for:

23 (1) a road project authorized by Section 7978.103; or  
24 (2) a recreational facility as defined by Section  
25 49.462, Water Code.

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 7978.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The

1 district may issue, without an election, bonds and other  
2 obligations secured by revenue other than ad valorem taxes.

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

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

11 Sec. 7978.152. OPERATION AND MAINTENANCE TAX. (a) If  
12 authorized at an election held under Section 7978.151, the district  
13 may impose an operation and maintenance tax on taxable property in  
14 the district in accordance with Section 49.107, Water Code.

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

17 Sec. 7978.153. WATER AND SEWER RATES. Notwithstanding any  
18 other law, the district shall establish the same rates for  
19 residential and commercial classes of customers for the provision  
20 of water and sewer services. For purposes of this section, the  
21 commercial class may not include apartment complexes or other  
22 multifamily dwellings.

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 7978.201. AUTHORITY TO ISSUE BONDS AND OTHER  
25 OBLIGATIONS. The district may issue bonds or other obligations  
26 payable wholly or partly from ad valorem taxes, impact fees,  
27 revenue, contract payments, grants, or other district money, or any

1 combination of those sources, to pay for any authorized district  
2 purpose.

3 Sec. 7978.202. TAXES FOR BONDS. At the time the district  
4 issues bonds payable wholly or partly from ad valorem taxes, the  
5 board shall provide for the annual imposition of a continuing  
6 direct ad valorem tax, without limit as to rate or amount, while all  
7 or part of the bonds are outstanding as required and in the manner  
8 provided by Sections 54.601 and 54.602, Water Code.

9 Sec. 7978.203. BONDS FOR ROAD PROJECTS. At the time of  
10 issuance, the total principal amount of bonds or other obligations  
11 issued or incurred to finance road projects and payable from ad  
12 valorem taxes may not exceed one-fourth of the assessed value of the  
13 real property in the district.

14 SECTION 2. The Harris County Municipal Utility District  
15 No. 552 initially includes all the territory contained in the  
16 following area:

17 A METES AND BOUNDS description of a certain 150.912 acre tract of  
18 land situated in the A.T. Miles Survey, Abstract No. 556, in Harris  
19 County, Texas; being part of a called 174.8682 acre tract conveyed  
20 to Metro National Corporation by Warranty Deed recorded in Harris  
21 County Clerk's File No. F546226 of the Harris County Official  
22 Public Records of Real Property; said 150.912 acres of land being  
23 more particularly described as follows with all bearings being  
24 based on the Texas Coordinate System, South Central Zone, NAD 83;  
25 BEGINNING at a 3/4-inch iron rod (with cap stamped "Jones|Carter  
26 Property Corner") set at the southeast corner of Unrestricted  
27 Reserve "B" of Spring Shadows Subdivision Section Twenty One, plat

1 of which is recorded in Film Code No. 349102 of the Harris County  
2 Map Records, being in the west line of Kempwood North, plat of which  
3 is recorded in Volume 133, Page 70 of the Harris County Map Records  
4 and also being in the north right-of-way line of Kemp Forest Drive  
5 (60 feet wide) as conveyed to the City of Houston by Instrument  
6 recorded in Clerk's File No. D562860 of the Harris County Official  
7 Public Records of Real Property, from said 3/4-inch iron rod (with  
8 cap stamped "Jones|Carter Property Corner") a found 1/2-inch iron  
9 rod bears North 81° East, 0.71 feet, and also from said 3/4-inch  
10 iron rod (with cap stamped "Jones|Carter Property Corner") a found  
11 1/2-inch iron rod bears South 02°30' East, 59.89 feet;

12 THENCE, South 87°21'40" West, 1011.17 feet with the said north  
13 right-of-way line of Kemp Forest Drive to a 1-inch iron pipe found  
14 at the intersection with the west right-of-way line of Rosefield  
15 Drive (60 feet wide);

16 THENCE, South 01°33'20" East, 221.36 feet with said west  
17 right-of-way line of Rosefield Drive (Clerk's File No. D562860  
18 Houston Official Public Records of Real Property) to a 3/4-inch  
19 iron rod (with cap stamped "Jones|Carter Property Corner") set at  
20 the northeast corner of a 10 foot by 10 foot cut back at the  
21 intersection with the north right-of-way line of another part of  
22 Kemp Forest Drive (60 feet wide), and being the northeast corner of  
23 Spring Shadows Townhouses, Section 2, as recorded in Volume 205,  
24 Page 36 of the Harris County Map Records;

25 THENCE, in a westerly direction with said north right-of-way line  
26 of Kemp Forest Drive and with the north line of said Spring Shadows  
27 Townhouses, Section 2, and with the north line of Spring Shadows



1 Townhouses, Section 1, as recorded in Volume 168, Page 15 of the  
2 Harris County Map Records the following two (2) courses and  
3 distances:

4 1. South 43°26'40" West, 14.14 feet along said cutback line  
5 to an "X" in concrete, set;

6 2. South 88°26'40" West, at 730.06 feet passing a found  
7 1-inch iron pipe, 0.53 feet right, at 2113.30 feet passing the  
8 southeast corner of Unrestricted Reserve "A" of Spring Shadows  
9 Subdivision Section Twenty One, plat of which is recorded in Film  
10 Code No. 349102 of the Harris County Map Records, in all 2556.20  
11 feet to a 5/8-inch iron rod (with cap stamped "Jones|Carter  
12 Property Corner") set at the southeast corner of a cutback, same  
13 being the most easterly corner of a called 0.0022 acre right-of-way  
14 dedication shown on said plat recorded in Film Code No. 349102 of  
15 the Harris County Map Records, from said 5/8-inch iron rod (with cap  
16 stamped "Cotton Surveying Company"), a found 5/8-inch iron rod  
17 bears South 88°26'40" West, 0.33 feet;

18 THENCE, North 46°48'15" West, 24.28 feet along said cutback line to  
19 a 5/8-inch iron rod (with cap stamped "Jones|Carter Property  
20 Corner") set in the east line of Street Dedication Plat for Gessner  
21 Road, plat of which is recorded in Volume 172, Page 8 of the Harris  
22 County Map Records and also being in the east right-of-way line of  
23 Gessner Road (100 feet wide);

24 THENCE, North 02°03'10" West along said east line of Gessner Road,  
25 at 900.00 feet passing a found 5/8-inch iron rod at the southerly  
26 northwest corner of said Unrestricted Reserve "A", in all 1833.03  
27 feet to a 5/8-inch iron rod (with cap stamped "Cotton Surveying

1 Company") set at the southwest corner of a 10 foot by 10 foot  
2 cutback at the intersection with the south right-of-way line of  
3 Clay Road, said iron rod being the southwest corner of a called  
4 0.2512 acre tract recorded in Clerk's File No. E249611 of the  
5 Harris County Official Public Records of Real Property;

6 THENCE, North 42°39'45" East, 14.21 feet along said cutback line to  
7 a 5/8-inch iron rod (with cap stamped "Jones|Carter Property  
8 Corner") set in the south line of Clay Road (ROW varies);

9 THENCE, in an easterly direction with the said southerly  
10 right-of-way line of Clay Road, the southerly line of said 0.2512  
11 acre tract and the apparent southerly line of a called 1.4830 acre  
12 tract conveyed to the City of Houston and recorded in Clerk's File  
13 No. R166519 of the Harris County Official Public Records of Rael  
14 Property, the following seven (7) courses and distances:

15       1. North 87°22'24" East, 427.90 feet to a 5/8-inch iron rod  
16 (with cap stamped "Cotton Survey Company") set at the southeast  
17 corner of said 0.2512 acre tract;

18       2. North 02°37'36" West, 2.76 feet to a 5/8-inch iron road  
19 (with cap stamped "Jones|Carter Property Corner") set, from which a  
20 found 5/8-inch iron rod bears South 87°22'24" West, 0.32 feet;

21       3. North 87°22'24" East, 2146.02 feet to an "X" in concrete;

22       4. South 47°27'19" East; 21.15 feet to a 3/4-inch iron rod  
23 (with cap stamped "Jones|Carter Property Corner") set, from which a  
24 found 5/8-inch iron rod (with cap stamped "American Luper 4752")  
25 bears North 26° West, 0.73 feet;

26       5. North 87°22'24" East, 80.00 feet to a 3/4-inch iron rod  
27 (with cap stamped "Jones|Carter Property Corner") set, from which a

1 found 5/8-inch iron rod (with cap stamped "American Lupher 4752")  
2 bears North 24° West, 0.71 feet;

3         6. North 42°33'10" East, 21.28 feet to a point in a control  
4 box;

5         7. North 87°22'24" East, 902.61 feet to a bolt securing a  
6 guard rail found at the northeast corner of the herein described  
7 tract from which a green cap stamped "Jones|Carter Reference Point"  
8 set in concrete slope paving bears South 02°03'10" East, 5.00 feet;  
9 THENCE, South 02°03'10" East, at 224.38 feet passing a found  
10 1/2-inch iron rod, at 869.51 feet passing a found 1/2-inch (with cap  
11 stamped "Precision Surveyors"), 0.55 feet left, at 1493.03 feet  
12 passing a found 1/2-inch iron rod, 0.44 feet right, in all 1679.63  
13 feet with the west line of a called 2.0618 acre tract recorded in  
14 Clerk's File No. V733122 of the Harris County Official Public  
15 Records of Real Property and the west line of said Kempwood North  
16 Subdivision to the POINT OF BEGINNING, CONTANING 150.912 acres of  
17 land in Harris County, Texas.

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

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

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

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

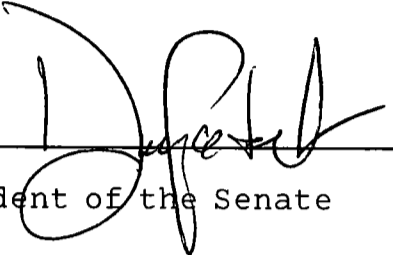
9 SECTION 4. (a) Section 7978.106, Special District Local  
10 Laws Code, as added by Section 1 of this Act, takes effect only if  
11 this Act receives a two-thirds vote of all the members elected to  
12 each house.

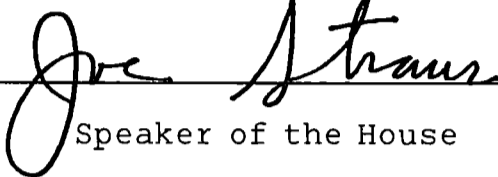
13 (b) If this Act does not receive a two-thirds vote of all the  
14 members elected to each house, Subchapter C, Chapter 7978, Special  
15 District Local Laws Code, as added by Section 1 of this Act, is  
16 amended by adding Section 7978.106 to read as follows:

17 Sec. 7978.106. NO EMINENT DOMAIN POWER. The district may  
18 not exercise the power of eminent domain.

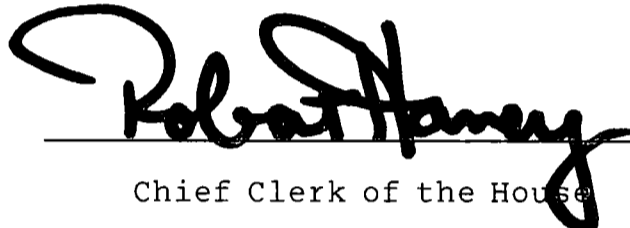
19 (c) This section is not intended to be an expression of a  
20 legislative interpretation of the requirements of Section 17(c),  
21 Article I, Texas Constitution.

22 SECTION 5. This Act takes effect June 1, 2017, if it  
23 receives a vote of two-thirds of all the members elected to each  
24 house, as provided by Section 39, Article III, Texas Constitution.  
25 If this Act does not receive the vote necessary for effect on that  
26 date, this Act takes effect September 1, 2017.

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1455 was passed by the House on April 27, 2017, by the following vote: Yeas 141, Nays 3, 3 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1455 was passed by the Senate on May 22, 2017, by the following vote: Yeas 29, Nays 1.

  
\_\_\_\_\_  
Secretary of the Senate


APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:00 PM O'CLOCK

JUN 15 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 5, 2017**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1455** by Bohac (Relating to the creation of the Harris County Municipal Utility District No. 552; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

|   |
|---|
| <b>No fiscal implication to the State is anticipated.</b> |
|---|

The bill would amend the Special District Local Laws Code establishing the Harris County Municipal Utility District No. 552. The district would have authority for road projects. The district would have authority to impose operation and maintenance taxes, and establish rates for water and sewer. The district would have authority to issue bonds.

If the bill does not receive two-thirds vote in each house the bill would prohibit the district from exercising eminent domain.

The bill would take effect June 1, 2017 if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 5, 2017**

**TO:** Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1455** by Bohac ( Relating to the creation of the Harris County Municipal Utility District No. 552; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Special District Local Laws Code establishing the Harris County Municipal Utility District No. 552. The district would have authority for road projects. The district would have authority to impose operation and maintenance taxes, and establish rates for water and sewer. The district would have authority to issue bonds.

If the bill does not receive two-thirds vote in each house the bill would prohibit the district from exercising eminent domain.

The bill would take effect June 1, 2017 if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 29, 2017**

**TO:** Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1455** by Bohac (Relating to the creation of the Harris County Municipal Utility District No. 552; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Special District Local Laws Code establishing the Harris County Municipal Utility District No. 552. The district would have authority for road projects. The district would have authority to impose operation and maintenance taxes, and establish rates for water and sewer. The district would have authority to issue bonds.

If the bill does not receive two-thirds vote in each house the bill would prohibit the district from exercising eminent domain.

The bill would take effect June 1, 2017 if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, BM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**April 6, 2017**

**TO:** Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1455** by Bohac ( Relating to the creation of the Harris County Municipal Utility District No. 552; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 1st House, Substituted**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Harris County Municipal Utility District No. 552 (the "District") with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Population -The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in HB 1455, staff was unable to determine a population estimate.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Harris County served by small systems or private wells ('County-Other') is 204,630. The Harris County-Other population projections approved for the 2017 State Water Plan projects the population to grow to 245,944 in 2020, 291,438 in 2030 and 311,968 in 2040.

Location - The Proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Harris County Real Property Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 0.23 square miles in west central Harris County, located within the city limits of Houston, near the intersection of Clay Rd and Gessner Rd. The proposed district does not appear to overlap any existing Certificate of Convenience and Necessity (CCN) boundary.

Comments on Powers/Duties Different from Similar Types of Districts: This bill grants the District authority for road projects; the District may exercise road powers without submitting a petition to or obtaining approval from the TCEQ, required by Section 54.234, Water Code; the District may not undertake a road project authorized by Section 7978.103, Special District Local Laws Code, unless plans and specifications of a road project have been approved by the municipality or county that will operate and maintain the road, or the Texas Transportation Commission has

approved the plans and specifications of the road project, if the state will operate and maintain the road; the bill grants the District limited use of eminent domain; the District may not exercise the power of eminent domain outside the District to acquire a site or easement for road projects authorized by Section 7978.103, Special District Local Laws Code, or recreational facilities as defined by Section 49.462, Water Code; the bill specifies that 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 real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

**Overlapping Services:** TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

**TCEQ's Supervision:** As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

**Water Use - HB 1455** specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution".

Within Harris County, 26 percent of the total water use was groundwater (Gulf Coast and other Aquifers) in 2014. Eighty two percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**March 28, 2017**

**TO:** Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1455** by Bohac (Relating to the creation of the Harris County Municipal Utility District No. 552; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Harris County Municipal Utility District No. 552 (the "District") with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Population - The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in HB 1455, staff was unable to determine a population estimate.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Harris County served by small systems or private wells ('County-Other') is 204,630. The Harris County-Other population projections approved for the 2017 State Water Plan projects the population to grow to 245,944 in 2020, 291,438 in 2030 and 311,968 in 2040.

Location - The Proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Harris County Real Property Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 0.23 square miles in west central Harris County, located within the city limits of Houston, near the intersection of Clay Rd and Gessner Rd. The proposed district does not appear to overlap any existing Certificate of Convenience and Necessity (CCN) boundary.

Comments on Powers/Duties Different from Similar Types of Districts: This bill grants the District authority for road projects; the District may exercise road powers without submitting a petition to or obtaining approval from the TCEQ, required by Section 54.234, Water Code; the District may not undertake a road project authorized by Section 7978.103, Special District Local Laws Code, unless plans and specifications of a road project have been approved by the municipality or county that will operate and maintain the road, or the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the

road; the bill grants the District limited use of eminent domain; the District may not exercise the power of eminent domain outside the District to acquire a site or easement for road projects authorized by Section 7978.103, Special District Local Laws Code, or recreational facilities as defined by Section 49.462, Water Code; the bill specifies that 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 real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

**Overlapping Services:** TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

**TCEQ's Supervision:** As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

**Water Use - HB 1455** specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution".

Within Harris County, 26 percent of the total water use was groundwater (Gulf Coast and other Aquifers) in 2014. Eighty two percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

**Source Agencies:** 582 Commission on Environmental Quality, 580 Water Development Board

**LBB Staff:** UP, SZ

Bryan W Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 21, 2017

The Honorable Joe Straus  
Texas House of Representatives  
Capitol Station  
PO Box 2910  
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 1455, as Filed by Representative Dwayne Bohac - Relating to the creation of the Harris County Municipal Utility District No. 552; granting limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script, reading "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director  
Water Supply Division

cc: Honorable Jim Murphy, Chairman, House Special Purpose Districts Committee  
Representative Dwayne Bohac, Texas House of Representatives

Enclosure

**HB1455, as Filed by Representative Dwayne Bohac  
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Harris County Municipal Utility District No. 552 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

**Comments on Powers/Duties Different from Similar Types of Districts:** This bill grants the District authority for road projects; the District may exercise road powers without submitting a petition to or obtaining approval from the TCEQ, required by Section 54.234, Water Code; the District may not undertake a road project authorized by Section 7978.103, Special District Local Laws Code, unless plans and specifications of a road project have been approved by the municipality or county that will operate and maintain the road, or the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road; the bill grants the District limited use of eminent domain. The District may not exercise the power of eminent domain outside the District to acquire a site or easement for road projects authorized by Section 7978.103, Special District Local Laws Code, or recreational facilities as defined by Section 49.462, Water Code; the bill specifies that 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 real property in the District; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

**Overlapping Services:** TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

**TCEQ's Supervision:** As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 1455

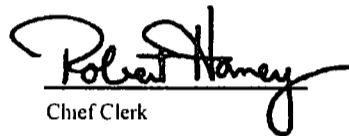
Bill Number

TO The Honorable Governor of Texas  
SUBJECT A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/15/2017

Date transmitted to  
Governor's Office

  
Chief Clerk  
House of Representatives

TO Texas Commission on Environmental Quality  
SUBJECT A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

February 22, 2017

Date transmitted to  
Texas Commission on Environmental Quality



\_\_\_\_\_  
Governor

TO The Honorable Speaker of the House  
The Honorable President of the Senate  
The Honorable Governor of Texas  
SUBJECT A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

  
Texas Commission on Environmental Quality



**NOTICE OF INTENT TO INTRODUCE A BILL  
AFFIDAVIT OF PUBLICATION  
The State of Texas**

The Affiant, Kim DeShazer, having knowledge of the matters hereinafter set forth, after being duly sworn, deposes and states under oath that the following statements are true and correct;


1. Affiant is the Classified Administrator of the Houston Business Journal; A weekly newspaper published in Harris County, Texas and of general circulation in Harris, Chambers, Liberty, Montgomery, Waller, Fort Bend, Brazoria and Galveston Counties.
2. The notice, of which the annexed is true copy, was published on November 25, 2016 in the classified advertising of the Houston Business Journal.

Further Affiant sayeth not.

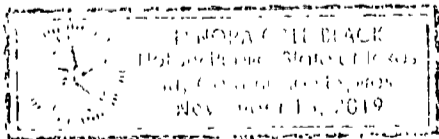
Executed this the 29th day of November, 2016.

Affiant:   
Printed Name: Kim DeShazer

SUBSCRIBED AND SWORN BEFORE ME, on 29th day of November, 2016.

by   
Notary Public

Lenora Gale Black  
Printed of Typed Name of Notary





Minority, Women, and Small Business Enterprises and Persons with Disabilities Enterprises (PDBE)

It is unlawful for any Contractor to contribute or offer any contribution to a candidate for City elective office during a certain period prior to and following a contract award. Bidders should refer to Chapter 18, City of Houston Code of Ordinances for filing requirements and further explanation.

Dated (Publish Friday, November 25, 2016)

Anna Russell  
City Secretary

#### INVITATION TO BIDDERS

Sealed Bids, in duplicate, addressed to the Board of Directors, West Ranch Management District, will be received in the office of BGE, Inc., 10777 Westheimer, Suite 400, Houston, Texas, 77042 (phone 281-558-8700) until 2:00 PM, Monday, December 12, 2016, at which time all bids will be opened and publicly read for the furnishing of all material, equipment, labor and supervision necessary or incidental to "Construction of Arbor Gate at West Ranch, Section Two Water, Sanitary Sewer, and Storm Sewer Facilities for West Ranch Management District, Galveston County, Texas".

Scope of Project:

1. Approx. 2,340 LF of 6-inch and 8-inch water line and appurtenances
2. Approx. 2,025 LF of 8-inch sanitary sewer and appurtenances
3. Approx. 1,705 LF of 24-inch to 42-inch RCP storm sewer and appurtenances

Bids received after the closing time will be returned unopened.

A MANDATORY pre-bid conference will be held in the office of BGE, Inc. on Monday, December 05, 2016 at 2:00 PM. Attendance by each prospective bidder or its representative at the pre-bid conference is MANDATORY and no Bid will be opened unless the bidder or representative was present at the pre-bid conference.

Plans, specifications and bid documents are available at [www.civitasusa.com](http://www.civitasusa.com), search 3377-00(R)

A cashier's check or bid bond in the amount of five percent (5%) of the total bid amount must accompany each bid. The successful bidder will be required to provide performance, payment and maintenance bonds for the full amount of the contract. The Owner reserves the right to reject any or all bids.

#### INVITATION TO BIDDERS

Sealed Bids, in duplicate, addressed to Harris-Fort Bend Counties MUD No. 5 will be received at the office of Van De Wiele & Vogler, 2925 Briarpark, Suite 275, Houston, Texas, 77042 until Friday, December 9, 2016 at 10:00 a.m. (Local Time) and then publicly opened and read for

#### CHANNEL REHABILITATION HARRIS-FORT BEND COUNTIES MUD NO. 5 VDW&V PROJECT NO.: 12500-201-4-DCH

Bids received after the closing time will be returned unopened.

Each Bid must be accompanied by a bid bond or a certified or cashier's check, acceptable to the Owner, in an amount not less than 5 percent of the total amount bid, as a guarantee that the successful bidder will enter into the Contract and execute the Bonds on the forms provided and provide the required insurance certificates within 7 days after the date Contract Documents are received by the Contractor.

Copies of the bidding documents are on file at the following location:

Copies of the bidding documents may be obtained from [www.CivitasUSA.com](http://www.CivitasUSA.com) search 12500-201-4-DCH. Bidders must register on this website in order to view and/or download specifications, plans, soils report and environmental reports for this project. There is NO charge to view or download documents.

The Owner reserves the right to reject any or all Bids and to waive all defects and irregularities in bidding or bidding process except time of submitting a Bid. The Successful Bidder, if any, will be the responsible Bidder which in the Board's judgment will be most advantageous to the Owner and result in the best and most economical completion of the Project.

3. Approx. 2,700 LF of 24-inch water

4. Approx. 7,620 LF of Swale

5. Approx. 5,200 SY Concrete Slope Paving and 1,230 SY Concrete Rap-Rap

Bids received after the closing time will be returned unopened.

A MANDATORY pre-bid conference will be held in the office of BGE, Inc. on Wednesday, November 30, 2016 at 9:30 AM. Attendance by each prospective bidder or its representative at the pre-bid conference is MANDATORY and no Bid will be opened unless the bidder or representative was present at the pre-bid conference.

Plans, specifications and bid documents are available at [www.civitasusa.com](http://www.civitasusa.com), search 4092-00

A cashier's check or bid bond in the amount of 5% of the total bid amount must accompany each bid. The successful bidder will be required to provide performance, payment and maintenance bonds for the full amount of the contract. The Owner reserves the right to reject any or all bids.

#### NOTICE TO BIDDERS

Sealed bids, in duplicate, addressed to KB Home Lone Star, Inc for Mills Road Municipal Utility District, will be received at the office of the Engineer, Pape-Dawson Engineers, Inc., 10333 Richmond Ave., Suite 900, Houston, Texas 77042, Phone 713-428-2400 until 2:00 PM, local time, Tuesday, December 13, 2016 and then publicly opened and read for the construction of the following project:

#### "CONSTRUCTION OF WATER, SANITARY SEWER, AND DRAINAGE FACILITIES FOR MILLS CREEK CROSSING SEC 1" PROJECT NO. 40304-10

Scope of Work of the Contract includes:

1. Approx. 3,250 LF of 6-inch through 8-inch water line and all appurtenances
2. Approx. 1,765 LF of 6-inch through 8-inch sanitary sewer and all appurtenances
3. Approx. 2,000 LF of 24-inch through 60-inch storm sewer pipe and all appurtenances

A mandatory pre-bid conference will be held at 2:00 PM, local time, Tuesday, December 6, 2016 at the office of the Engineer.

Instruction to Bidders and other bid documents will be available for review at the office of the Engineer and will be provided electronically to prospective bidders. Please contact Ashley Burney via email at [aburney@pape-dawson.com](mailto:aburney@pape-dawson.com) to obtain document download information.

The Owner reserves the right to reject any or all bids and to waive any informalities or minor defects. In case of the lack of clarity or ambiguity in prices, the Owner reserves the right to accept the most advantageous or reject the bid. All bids received after the closing time designated above will be returned unopened.

#### NOTICE OF INTENT TO INTRODUCE A BILL

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 85<sup>th</sup> Legislature of the State of Texas at its regular session in Austin, Texas, for the introduction of a bill, the substance of the contemplated law being as follows:

An act relating to the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Utility District No. 552.

The Act proposes to create a municipal utility district to be known as the Harris County Municipal Utility District No. 552, located on the southeast corner of Gessner Road and Clay Road, being approximately 151 acres in Harris County, Texas, subject to approval at a confirmation election.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.

Municipal Utility District No. 552  
Engineers, Inc., 10333 Richmond Ave., Suite 900  
2400 (ext. 810) until 2:00 PM  
opened and read for the con

"CONSTRUCTIVE"

Scope of Work of the Contract includes:

1. Approx. 1,140 LF of appurtenances
2. Approx. 2,930 SY of
3. Approx. 2,110 LF of

A mandatory pre-bid conference will be held at 2:00 PM, local time, Tuesday, December 6, 2016 at the office of the Engineer.

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Sealed bids, in duplicate, addressed to Harris-Fort Bend Counties MUD No. 5 will be received at the office of Van De Wiele & Vogler, 2925 Briarpark, Suite 275, Houston, Texas, 77042 until Friday, December 9, 2016 at 10:00 a.m. (Local Time) and then publicly opened and read for

"CONSTRUCTIVE"

Scope of Work of the Contract includes:

1. Lift Station with all appurtenances

A mandatory pre-bid conference will be held at 2:00 PM, local time, Tuesday, December 6, 2016 at the office of the Engineer.

Instruction to Bidders and other bid documents will be available for review at the office of the Engineer and will be provided electronically to prospective bidders. Please contact Ashley Burney via email at [aburney@pape-dawson.com](mailto:aburney@pape-dawson.com) to obtain document download information.

The Owner reserves the right to reject any or all bids and to waive any informalities or minor defects. In case of the lack of clarity or ambiguity in prices, the Owner reserves the right to accept the most advantageous or reject the bid. All bids received after the closing time designated above will be returned unopened.

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