

CHAPTER 947

H.B. No. 2409

An Act relating to the creation, administration, powers, duties, operations, and financing of the Northgate Crossing Municipal Utility District No. 1.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION OF DISTRICT. Pursuant to Article XVI, Section 59, of the Texas Constitution, the Northgate Crossing Municipal Utility District No. 1 is created as a conservation and reclamation district in Harris County, and as a governmental agency and a body politic and corporate. The creation of the district is declared to be essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Northgate Crossing Municipal Utility District No. 1.

SECTION 3. LEGISLATIVE FINDING. The legislature finds that all of the land and other property included within the boundaries of the district will be benefited by the works and project that are to be accomplished by the district under the powers authorized by Article XVI, Section 59, of the Texas Constitution, and that the district is created to serve a public use and benefit.

SECTION 4. BOUNDARIES. (a) The district is composed of the territory within the following area:

BEING 318.300 acres of land located in the R. Beach Survey, Abstract 137, James Moore Survey, Abstract 583 and the John Reinerman Survey, Abstract 649, Harris County, Texas, said 318.300 acres being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the southerly high bank of Spring Creek with the westerly right-of-way line of Missouri Pacific Railroad (100.00 feet wide);

THENCE, with said westerly right-of-way line, South 13° 44' 44" East, 4815.84 feet to a point for corner;

THENCE, leaving said westerly right-of-way line, South 01° 23' 25" East, 870.48 feet to a point for corner;

THENCE, North 64° 12' 23" West, 4280.19 feet to a point for corner in the easterly right-of-way line of Interstate Highway No. 45;

THENCE, with said easterly right-of-way line, North 08° 28' 57" West, 487.30 feet to a point for corner;

THENCE, leaving said easterly right-of-way line, North 87° 46' 58" East, 333.97 feet to a point for corner;

THENCE, North 00° 56' 33" West, 275.09 feet to a point for corner;

THENCE, South 87° 41' 21" West, 355.98 feet to a point for corner;

THENCE, North 03° 15' 23" West, 200.05 feet to a point for corner;

THENCE, North 18° 06' 37" West, 942.06 feet to a point for corner on the southerly high bank of the aforementioned Spring Creek;

THENCE, with said southerly high bank of Spring Creek, the following twenty-two (22) courses:

- 1) North 21° 39' 11" East, 86.07 feet to a point for corner;
- 2) North 19° 39' 14" West, 74.33 feet to a point for corner;
- 3) North 07° 54' 26" East, 181.73 feet to a point for corner;
- 4) North 28° 04' 21" East, 85.00 feet to a point for corner;
- 5) North 37° 56' 00" East, 122.54 feet to a point for corner;
- 6) North 30° 00' 00" East, 250.00 feet to a point for corner;
- 7) North 56° 19' 54" East, 400.16 feet to a point for corner;
- 8) North 66° 05' 34" East, 160.39 feet to a point for corner;
- 9) North 75° 57' 50" East, 144.31 feet to a point for corner;
- 10) North 66° 48' 05" East, 152.32 feet to a point for corner;
- 11) North 88° 24' 32" East, 360.14 feet to a point for corner;
- 12) North 66° 22' 14" East, 174.64 feet to a point for corner;
- 13) North 69° 26' 38" East, 85.44 feet to a point for corner;
- 14) South 63° 26' 06" East, 111.80 feet to a point for corner;
- 15) South 41° 38' 01" East, 120.42 feet to a point for corner;
- 16) Due East, 155.20 feet to a point for corner;
- 17) North 52° 20' 46" East, 81.85 feet to a point for corner;
- 18) North 26° 33' 54" East, 134.16 feet to a point for corner;
- 19) North 45° 00' 00" East, 84.85 feet to a point for corner;
- 20) North 58° 50' 14" East, 792.32 feet to a point for corner;
- 21) North 60° 09' 22" East, 140.67 feet to a point for corner;
- 22) North 68° 25' 59" East, 149.62 feet to the POINT OF BEGINNING and containing 318.300 acres of land.

(b) The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the legislative process or a mistake is made otherwise in the field notes, it does not affect the organization, existence, and validity of the district, the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created, the payment of the principal of and interest on bonds, the right to assess, levy, and collect taxes, or the legality or operation of the district or its governing body.

SECTION 5. POWERS AND DUTIES. (a) The district may exercise the rights, powers, privileges, authority, and functions provided by general law applicable to municipal utility districts, including Chapter 54, Water Code.

(b) If any provision of the general law conflicts or is inconsistent with this Act, this Act prevails.

(c) The general law applicable to municipal utility districts that is not in conflict or inconsistent with this Act is adopted and incorporated by reference.

SECTION 6. CONFIRMATION ELECTION. (a) The creation of the district is subject to approval of a majority of the qualified voters of the proposed district at a confirmation election held under Chapter 54, Water Code.

(b) Only one confirmation election may be held within 12 months from the effective date of this Act.

(c) If the qualified voters fail to approve creation of the district, this Act expires on declaration of the election result.

SECTION 7. TEMPORARY BOARD. (a) On the effective date of this Act, the following persons constitute the board of directors of the district:

1. Barbara J. Decker;
2. William L. Close;
3. Cindy Vencel;
4. Joan Dugan; and
5. Raymond P. Albercht.

(b) These persons shall qualify to serve as directors before the first meeting of the board of directors.

(c) If any of the persons listed in Subsection (a) of this section fail to qualify for any reason, the remaining directors shall appoint someone to fill the vacancy. If at any time the number of qualified directors is less than three because of the failure or refusal of one or more directors to qualify or serve, the death or incapacitation of a director, or any other reason, the Texas Water Commission shall appoint the necessary number of directors to fill the vacancies on the board.

(d) The directors listed in Subsection (a) of this section or their successors shall serve until the third Saturday in April 1986.

(e) Successors to the initial directors shall be elected and shall serve for the term and in the manner provided by Chapter 54, Water Code.

SECTION 8. DESIGNATED FACILITIES. (a) The district shall operate and maintain all levees, retainage ponds, pumps, mitigation channels, and other facilities, improvements, or properties serving the properties within the district that the Harris County Flood Control District does not undertake to operate or maintain.

(b) If, at the time the district is annexed by a municipality, the annexing municipality determines not to undertake to operate or maintain any of those levees, retainage ponds, pumps, mitigation channels, or other facilities, improvements, or properties, the annexing municipality may specify, in its annexation ordinance, that the district shall continue to exist for the exclusive purposes of operating and maintaining those levees, retainage ponds, pumps, mitigation channels, and other facilities, improvements, or properties and of levying and collecting a maintenance tax within the boundaries of the district, to the extent that a maintenance tax has previously been authorized.

(c) The district shall continue to exist for those purposes until the governing board of the annexing city adopts a resolution in the manner provided by Chapter 128, Acts of the 50th Legislature, Regular Session, 1947 (Article 1182c-1, Vernon's Texas Civil Statutes).

SECTION 9. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 16, 1985, by the following vote: Yeas 130, Nays 0, 2 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2409 was transmitted to the Governor on April 2, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on April 18, 1985; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 15, 1985

Effective: Immediately