

CHAPTER 786

H.B. No. 2513

An Act relating to the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Utility District No. 318.

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

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district is created in Harris County, Texas, to be known as "Harris County Municipal Utility District No. 318," which shall be a governmental agency and a body politic and corporate.

(b) 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 Harris County Municipal Utility District No. 318.

SECTION 3. BOUNDARIES. The district shall include all of the territory contained within the following described area: Being a tract or parcel containing 203.4829 acres of land in the William McCann Survey, Abstract 585, Harris County, Texas, said 203.4829 acre tract being more particularly described as follows:

BEGINNING at the intersection of the west right-of-way (R.O.W.) line of Bauer Road and the survey line common to the south line of the Harris County School Land Survey, Abstract 333 and the north line of said William McCann Survey for the northeast corner of the herein described tract;

THENCE, departing said common survey line, South 01°00'00" East, 3386.19 feet along the west R.O.W. line of said Bauer Road to a point for the southeast corner of the herein described tract;

THENCE, departing said west R.O.W. line, North 84°39'46" West, 80.49 feet to a point at the beginning of a curve;

THENCE, 1325.40 feet along the arc of a curve to the left, having a central angle of 37°58'12", a radius of 2000.00 feet and a chord which bears South 76°21'08" West, 1301.28 feet to a point at the end of said curve;

THENCE, South 57°22'02" West, 104.10 feet to a point at the beginning of a curve;

THENCE, 1955.38 feet along the arc of a curve to the right, having a central angle of 56°01'03", a radius of 2000.00 feet and a chord which bears South 85°22'34" West, 1878.42 feet to a point at the end of said curve;

THENCE, North 66°36'55" West, 102.37 feet to a point for the southwest corner of the herein described tract;

THENCE, North 23°23'05" East, 150.00 feet to a point at the beginning of a curve;

THENCE, 484.78 feet along the arc of a curve to the left, having a central angle of 22°13'15", a radius of 1250.00 feet and a chord which bears North 12°16'28" East, 481.75 feet to a point at the end of said curve;

THENCE, North 01°09'50" East, 502.49 feet to a point at the beginning of a curve;

THENCE, 1916.28 feet along the arc of a curve to the right, having a central angle of 87°50'10", a radius of 1250.00 feet and a chord which bears North 45°04'55" East, 1734.07 feet to a point at the end of said curve;

THENCE, North 89°00'00" East, 665.66 feet to a point for corner;
 THENCE, North 01°00'00" West, 1492.66 feet to a point for the northwest corner of the herein described tract in the aforementioned common survey line;
 THENCE, along said common survey line, North 89°25'55" East, 1299.99 feet to the POINT OF BEGINNING and containing 203.4829 acres of land.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in the field notes or in copying the field notes in the legislative process, it in no way affects the organization, existence, and validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds, or the right of the district to levy and collect taxes, or in any other manner affects the legality or operation of the district or its governing body.

SECTION 5. FINDING OF BENEFIT. 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 projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution and that the district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, including those conferred by Chapter 54, Water Code. If any provision of the general law is in conflict or inconsistent with this Act, this Act prevails.

(b) Any general law not in conflict or inconsistent with this Act is adopted and incorporated by reference.

(c) The rights, powers, privileges, authority, and functions granted to the district are subject to the continuing right of supervision of the State of Texas to be exercised by and through the Texas Department of Water Resources.

SECTION 7. WATER CONSERVATION. The district shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

SECTION 8. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Except for the initial directors, each director shall be elected and shall serve for the term of office provided for directors under Chapter 54, Water Code, and until his successor is elected and has qualified.

(c) Each director shall qualify to serve as director in the manner provided by Chapter 54, Water Code.

(d) At the time this Act takes effect, the following persons shall constitute the initial board of directors of the district:

- (1) Sharon Lyn Gardner
- (2) Wally Grabbe
- (3) Leslie Landry McDonnell
- (4) Kendall D. Tamlyn
- (5) Joanna Tanner

(e) If any of the directors listed in Subsection (d) of this section fails to qualify for office, the remaining directors shall appoint someone to fill the vacancy for the unexpired term. 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, because of death or incapacitation, or for any other reason, the Texas Water Commission shall appoint the necessary number of directors to fill all vacancies on the board.

(f) The initial directors shall serve until permanent directors are elected as provided by Chapter 54, Water Code.

SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION. An election shall be called and held to confirm establishment of the district and to elect five permanent directors as provided by Chapter 54, Water Code.

SECTION 10. NOTICE AND CONSENT. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. The legislature also finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. The general law relating to consent by political subdivisions to the creation of conservation and reclamation districts and the inclusion of land in those districts has been complied with, and all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 11. 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 21, 1985, by the following vote: Yeas 143, 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. 2513 was transmitted to the Governor on May 13, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 24, 1985; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: Immediately