

## CHAPTER 657

H.B. No. 2842

## AN ACT

relating to the creation, administration, powers, duties, operation, and financing of Montgomery County Municipal Utility District No. 87, of Montgomery County, Texas.

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

**SECTION 1. CREATION.** (a) A conservation and reclamation district, to be known as Montgomery County Municipal Utility District No. 87, of Montgomery County, Texas, is created in Montgomery County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

**SECTION 2. DEFINITION.** In this Act, "district" means Montgomery County Municipal Utility District No. 87, of Montgomery County, Texas.

**SECTION 3. BOUNDARIES.** The district includes the territory contained within the following area:

Being a 127.205 acre tract of land situated in Montgomery County, Texas in the William McDermott Survey, A-389, and the George Taylor Survey, A-555, and being more particularly described by metes and bounds as follows with all control referred to the Texas State Plane Coordinate System, Lambert Projection, South Central Zone:

**BEGINNING** at the southeast corner of the extraterritorial jurisdiction of the City of Houston as created by Ordinance #73-921, located in the west right-of-way line of Interstate Highway No. 45 having a Texas State Plane Coordinate Value of  $X = 3,119,706.83$ ,  $Y = 877,057.75$  and being  $N 27^{\circ}51'36'' E$ , 6,755.61 feet from the southwest corner of said William McDermott Survey, A-389, common to the northwest corner of the Montgomery County School Land Survey, A-350;

**THENCE** along said right-of-way line of Interstate Highway No. 45,  $S 11^{\circ}41'32'' E$ , 407.64 feet to an angle point;

**THENCE** continuing along said right-of-way line  $S 11^{\circ}41'24'' E$ , 48.47 feet to a point located in the northwesterly line of the extraterritorial jurisdiction of the City of Shenandoah;

**THENCE** with said northwesterly line along a curve to the left an arc distance of 701.76 feet based on a radius of 2,640.00 feet, a central angle of  $15^{\circ}13'49''$  and having a chord which bears  $S 37^{\circ}10'49'' W$  a chord distance of 699.69 feet to a point for corner;

**THENCE** continuing with said northwesterly line along a curve to the left an arc distance of 921.37 feet based on a radius of 2,640.00 feet, a central angle of  $19^{\circ}59'47''$  and having a chord which bears  $S 49^{\circ}16'32'' W$  a chord distance of 916.70 feet to a point for corner;

**THENCE** continuing with said northwesterly line along a curve to the left an arc distance of 962.61 feet based on a radius of 2,640.00 feet, a central angle of  $20^{\circ}53'29''$  and having a chord which bears  $S 69^{\circ}25'49'' W$  a chord distance of 957.28 feet to a point for corner located in the north line of Country Lane, a 20 foot wide road as recorded in Volume 34, Page 174 of the Montgomery County Deed Records;

THENCE along the north line of said Country Lane S 87°42'07" W, 84.87 feet to a point for corner;

THENCE leaving said north line N 02°39'33" W, 1,298.86 feet to a point for corner;

THENCE N 87°19'17" E, 1,275.80 feet to a point for corner;

THENCE N 01°34'38" W, 148.06 feet to a point for corner;

THENCE S 87°35'51" W, 518.76 feet to a point for corner in the east line of Lakeland Subdivision;

THENCE along the east line of said Lakeland Subdivision N 02°13'38" W, at 2,497.93 feet pass its northeast corner, in all a total distance of 3,272.16 feet to a point for corner in the south line of State Highway No. 242 as conveyed to the State of Texas by Donation Deed as recorded in File No. 9244676 of the Montgomery County Real Property Records;

THENCE easterly with the south line of said State Highway No. 242 along a curve to the left an arc distance of 272.77 feet based on a radius of 17,308.45 feet, a central angle of 00°54'11" and having a chord which bears N 84°59'24" E a chord distance of 272.77 feet to the southeast corner of said State Highway No. 242 located in the west right-of-way line of said Interstate Highway No. 45;

THENCE along the west right-of-way line of said Interstate Highway No. 45 as follows:

S 01°30'24" W, 37.98 feet to a point for corner,

N 83°36'03" E, 644.56 feet to a point for corner,

S 09°07'56" E, 712.87 feet to a point for corner,

S 03°24'51" E, 467.82 feet to a point for corner,

N 87°14'30" E, 50.91 feet to a point for corner,

S 09°46'29" E, 394.34 feet to a point for corner,

And S 11°41'39" E, 1,339.60 feet to the POINT OF BEGINNING and containing 127.205 acres of land.

**SECTION 4. FINDINGS RELATING TO BOUNDARIES.** The legislature finds that the boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the validity of its bonds, notes, or indebtedness, the right of the district to levy and collect taxes, or the legality or operation of the district or its governing body.

**SECTION 5. FINDING OF BENEFIT.** 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. 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, functions, and duties provided by the general law of this state, including Chapters 50 and 54, Water Code, applicable to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

**SECTION 7. BOARD OF DIRECTORS.** (a) The district is governed by a board of five directors.

(b) Temporary directors serve until initial directors are elected under Section 9 of this Act.

(c) Initial directors serve until permanent directors are elected under Section 10 of this Act.

(d) Permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the manner provided by Section 54.025 or 54.116, Water Code, as appropriate.

(f) A director serves until the director's successor has qualified.

**SECTION 8. APPOINTMENT OF TEMPORARY DIRECTORS.** (a) On or after the effective date of this Act, a person who owns land included in the district may petition the Texas Water Commission to appoint the five temporary directors listed in the petition. The commission shall appoint the directors listed in the petition. If the commission receives more than one petition under this subsection, the commission shall appoint the directors listed in the first petition the commission receives.

(b) A person appointed to be a temporary director shall take the oath of office as soon as practicable.

(c) If an appointee of the commission fails to qualify or if a vacancy occurs in the office of temporary director, the commission shall appoint an individual to fill the vacancy.

(d) As soon as all temporary directors have qualified, the directors shall meet and elect officers from among their membership.

**SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.** The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors as provided by Chapter 54, Water Code.

**SECTION 10. ELECTION OF DIRECTORS.** (a) On the first Saturday in May that occurs in an even-numbered year and after the date on which the confirmation election is held, an election shall be held in the district for the election of two directors who shall each serve two-year terms and three directors who shall each serve four-year terms.

(b) The board of directors by order may postpone the election date for two years if:

(1) the election will occur within 60 days after the date on which the confirmation election is held; or

(2) the board determines that there is not sufficient time to comply with the requirements of law and to order the election.

(c) On the same date in each even-numbered year following the first election held under this section, the appropriate number of directors shall be elected to the board.

**SECTION 11. COMPLIANCE WITH CITY ORDINANCE OR RESOLUTION.** Subject to the limitations of Section 54.016, Water Code, the district shall comply with all valid and applicable requirements of any ordinance or resolution adopted by the city council of the city of Houston, including an ordinance or resolution adopted before the effective date of this Act, that consents to the creation of the district or to the inclusion of lands within the district.

**SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.** (a) The 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 other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) 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.

(c) 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 are fulfilled and accomplished.

**SECTION 13. 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 April 30, 1993, by a non-record vote; passed by the Senate on May 24, 1993: Yeas 31, Nays 0.

Approved June 12, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.