

By: Vasut

H.B. No. 4606

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Brazoria County Water Control and  
3 Improvement District No. 10; granting a limited power of eminent  
4 domain; providing authority to issue bonds; providing authority to  
5 impose assessments, fees, and taxes.

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

7 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 9090 to read as follows:

9 CHAPTER 9090. BRAZORIA COUNTY WATER CONTROL AND IMPROVEMENT

10 DISTRICT NO. 10

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 9090.0101. DEFINITIONS. In this chapter:

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

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

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

17 (4) "District" means the Brazoria County Water Control  
18 and Improvement District No. 10.

19 Sec. 9090.0102. NATURE OF DISTRICT. The district is a water  
20 control and improvement district created under Section 59, Article  
21 XVI, Texas Constitution.

22 Sec. 9090.0103. CONFIRMATION AND DIRECTORS' ELECTION  
23 REQUIRED. The temporary directors shall hold an election to  
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 9090.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 9090.0103 until each municipality in whose corporate limits or  
5 extraterritorial jurisdiction the district is located has  
6 consented by ordinance or resolution to the creation of the  
7 district and to the inclusion of land in the district.

8 Sec. 9090.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

11 (1) a water control and improvement district as  
12 provided by general law and Section 59, Article XVI, Texas  
13 Constitution, including the collection, transportation,  
14 processing, disposal, and control of domestic, industrial, or  
15 communal waste and the gathering, conducting, diverting, and  
16 control of local storm water or other harmful excesses of water; and

17 (2) Section 52, Article III, Texas Constitution, that  
18 relate to the construction, acquisition, improvement, operation,  
19 or maintenance of macadamized, graveled, or paved roads, or  
20 improvements, including storm drainage, in aid of those roads.

21 Sec. 9090.0106. INITIAL DISTRICT TERRITORY. (a) The  
22 district is initially composed of the territory described by  
23 Section 2 of the Act enacting this chapter.

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

1           (1) organization, existence, or validity;

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

5           (3) right to impose a tax; or

6           (4) legality or operation.

7                   SUBCHAPTER B. BOARD OF DIRECTORS

8           Sec. 9090.0201. GOVERNING BODY; TERMS. (a) The district is  
9 governed by a board of five elected directors.

10           (b) Except as provided by Section 9090.0202, directors  
11 serve staggered four-year terms.

12           Sec. 9090.0202. TEMPORARY DIRECTORS. (a) The temporary  
13 board consists of:

14                   (1) Steven Ward;

15                   (2) Alex Khowaja;

16                   (3) Mark Cain;

17                   (4) William Puder; and

18                   (5) Greg Clutter.

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

20                   (1) the date permanent directors are elected under  
21 Section 9090.0103; or

22                   (2) the fourth anniversary of the effective date of  
23 the Act enacting this chapter.

24           (c) If permanent directors have not been elected under  
25 Section 9090.0103 and the terms of the temporary directors have  
26 expired, successor temporary directors shall be appointed or  
27 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under  
3 Section 9090.0103; or

4 (2) the fourth anniversary of the date of the  
5 appointment or reappointment.

6 (d) If Subsection (c) applies, the owner or owners of a  
7 majority of the assessed value of the real property in the district  
8 may submit a petition to the commission requesting that the  
9 commission appoint as successor temporary directors the five  
10 persons named in the petition. The commission shall appoint as  
11 successor temporary directors the five persons named in the  
12 petition.

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 9090.0301. GENERAL POWERS AND DUTIES. The district  
15 has the powers and duties necessary to accomplish the purposes for  
16 which the district is created.

17 Sec. 9090.0302. WATER CONTROL AND IMPROVEMENT DISTRICT  
18 POWERS AND DUTIES. The district has the powers and duties provided  
19 by the general law of this state applicable to water control and  
20 improvement districts created under Section 59, Article XVI, Texas  
21 Constitution, including Chapters 49 and 51, Water Code, and  
22 specifically including the powers and duties authorized under  
23 Subchapter H, Chapter 51, Water Code.

24 Sec. 9090.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
25 52, Article III, Texas Constitution, the district may design,  
26 acquire, construct, finance, issue bonds for, improve, operate,  
27 maintain, and convey to this state, a county, or a municipality for

1 operation and maintenance macadamized, graveled, or paved roads, or  
2 improvements, including storm drainage, in aid of those roads.

3 Sec. 9090.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
4 road project must meet all applicable construction standards,  
5 zoning and subdivision requirements, and regulations of each  
6 municipality in whose corporate limits or extraterritorial  
7 jurisdiction the road project is located.

8 (b) If a road project is not located in the corporate limits  
9 or extraterritorial jurisdiction of a municipality, the road  
10 project must meet all applicable construction standards,  
11 subdivision requirements, and regulations of each county in which  
12 the road project is located.

13 (c) If the state will maintain and operate the road, the  
14 Texas Transportation Commission must approve the plans and  
15 specifications of the road project.

16 Sec. 9090.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
17 ORDINANCE OR RESOLUTION. The district shall comply with all  
18 applicable requirements of any ordinance or resolution that is  
19 adopted under Section 42.042 or 42.0425, Local Government Code, and  
20 consents to the creation of the district or to the inclusion of land  
21 in the district.

22 Sec. 9090.0306. LIMITATION ON USE OF EMINENT DOMAIN. The  
23 district may not exercise the power of eminent domain outside the  
24 district boundaries to acquire a site or easement for:

25 (1) a recreational facility, as defined by Section  
26 49.462, Water Code; or

27 (2) a road project authorized by Section 9090.0303.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9090.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9090.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 9090.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9090.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 9090.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

4               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5       Sec. 9090.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
6 OBLIGATIONS. The district may issue bonds or other obligations  
7 payable wholly or partly from ad valorem taxes, impact fees,  
8 revenue, contract payments, grants, or other district money, or any  
9 combination of those sources, to pay for any authorized district  
10 purpose.

11       Sec. 9090.0502. TAXES FOR BONDS. At the time the district  
12 issues bonds payable wholly or partly from ad valorem taxes, the  
13 board shall provide for the annual imposition of a continuing  
14 direct ad valorem tax, without limit as to rate or amount, while all  
15 or part of the bonds are outstanding as required and in the manner  
16 provided by Chapter 51, Water Code.

17       Sec. 9090.0503. BONDS FOR ROAD PROJECTS. At the time of  
18 issuance, the total principal amount of bonds or other obligations  
19 issued or incurred to finance road projects and payable from ad  
20 valorem taxes may not exceed one-fourth of the assessed value of the  
21 real property in the district.

22       Sec. 9090.0504. BONDS FOR RECREATIONAL FACILITIES. (a)  
23 The district may develop recreational facilities and issue bonds  
24 for recreational facilities as provided by Chapter 49, Water Code,  
25 regardless of whether the district's territory overlaps with the  
26 territory of a political subdivision that is authorized to develop  
27 recreational facilities and issue bonds for recreational

1 facilities under Chapter 49, Water Code.

2 (b) The authority of the district to develop recreational  
3 facilities and issue bonds for recreational facilities under this  
4 section does not limit the authority of another political  
5 subdivision whose territory the territory of the district may  
6 overlap, wholly or partly, to develop recreational facilities and  
7 issue bonds for recreational facilities under Chapter 49, Water  
8 Code.

9 SECTION 2. The Brazoria County Water Control and  
10 Improvement District No. 10 initially includes all the territory  
11 contained in the following area:

12 TRACT 1

13 Being 37.544 acres of land, being a called 37.54 Acre Tract of  
14 land (Tract II; Brazoria County Clerk's File No. 03-064681) and  
15 being out of Lots 28, 29, and 30 of the C.W. Palmer

16 Subdivision (Volume 2, Page 29; Plat Records of Brazoria  
17 County, Texas) being in the H.T. & B. Railroad Company Survey,  
18 Section No. 9, Abstract No. 238, Brazoria County, Texas, as  
19 described below:

20 BEGINNING at a 5/8 inch diameter iron rod with aluminum cap in  
21 concrete found for the Southwest corner of said call 37.54 Acre  
22 Tract; said corner being the Northwest corner of Lot No. 5, Block  
23 No. 2 of Stoneridge Lakes Section One Subdivision (Volume 23, Pages  
24 353, 354, 355 and 356; Plat Records of Brazoria County, Texas) and  
25 being in an Easterly line of Lot No. 4, Block No. 2 of said  
26 Stoneridge Lakes Section One Subdivision; said corner being the  
27 Southwest corner of this 37.544 Acre Tract;

1           THENCE North 2 degrees 16 minutes 28 seconds West, at 11.19  
2 feet pass a 5/8 inch diameter iron rod with aluminum cap in concrete  
3 found for the Northeast corner of said Lot No. 4, at 659.37 feet  
4 pass a 3/4 inch diameter iron rod found for reference, in all 675.48  
5 feet along the Westerly line of said call 37.54 Acre Tract and along  
6 the Easterly line of a call 10 Acre Tract (Brazoria County Clerk  
7 File No. 02-057392) to a point for the Northwest corner of this  
8 tract;

9           THENCE Easterly, along the Northerly line of said call 37.54  
10 Acre Tract being along a line in a drainage ditch, with the  
11 following courses and distances:

12           North 86 degrees 50 minutes 38 seconds East - 1321.37 feet to  
13 a point for angle;

14           North 86 degrees 37 minutes 19 seconds East - 1094.29 feet to a  
15 point for the Northeast corner of this tract; said corner being the  
16 Northeast corner of said call 37.54 Acre Tract, being the Northwest  
17 corner of a call 8.58 Acre Tract (Brazoria County Clerk File  
18 No. 01-032189) and bears South 86 degrees 37 minutes, 19 seconds  
19 West - 54.57 feet from a point for the Southwest corner of a 28.703  
20 Acre Tract;

21           THENCE South 0 degrees 27 minutes 12 seconds East, at 27.84  
22 feet past a 1/2 inch diameter iron rod with cap found for reference,  
23 in all 687.89 feet along the Easterly line of said call 37.54 Acre  
24 Tract being along a Westerly line of said call 8.58 Acre Tract to a  
25 point for the Southeast corner of this tract; said corner being the  
26 Southeast corner of said call 37.54 Acre Tract, being in the  
27 Northerly line of Lot No. 9, Block No. 3 of said Stoneridge Lakes

1 Section One Subdivision and bears South 87 degrees 1 minute 23  
2 seconds West - 29.00 feet from a 5/8 inch diameter iron rod with  
3 aluminum cap in concrete found for the Northeast corner of said  
4 Stoneridge Lakes Section One Subdivision;

5       THENCE South 87 degrees 1 minute 23 seconds West (reference  
6 bearing) - 2393.62 feet along the Northerly line of said Stoneridge  
7 Lakes Section One Subdivision to the POINT OF BEGINNING and  
8 containing 37.544 acres of land.

9       TRACT 2

10       Being 14.991 acres of land, being the remainder of a call  
11 66.74 Acre Tract of land (Brazoria County Clerk's File  
12 No. 02-036975), and being out of a call 137.24 Acre Tract of land  
13 (Volume 85-226, Page 493; Official Records of Brazoria County,  
14 Texas) being out of Lots 37, 38, 39, 40, 47, 48, 49 and 50 of the  
15 C.W. Palmer Subdivision (Volume 2, Page 29; Plat Records of  
16 Brazoria County, Texas) being in the H.T. & B. Railroad Company  
17 Survey, Section No. 9, Abstract No. 238, Brazoria County, Texas.

18       BEGINNING at one and one-quarter inch outside diameter iron  
19 pipe found in the existing Easterly right-of-way line of Brazoria  
20 County Road No. 48 (Airline Road - 60 feet wide at this point) for  
21 the Southwest corner of said call 66.74 Acre Tract; said corner  
22 being the Northwest corner of a call 70.96 Acre Tract (Brazoria  
23 County Clerk's File No. 03-004685) and being in the Westerly line  
24 of said call 137.24 Acre Tract; said corner being the Southwest  
25 corner of this 14.991 Acre Tract;

26       THENCE North 3 degrees 7 minutes 32 seconds West - 166.54 feet  
27 along the Westerly line of said call 66.74 Acre Tract being along

1 the existing Easterly right-of-way line of said County Road No. 48  
2 to a point for the most Westerly Northwest corner of this tract;  
3 said corner being the most Westerly Southwest corner of Stoneridge  
4 Lakes Section One Subdivision (Volume 23, Pages 353, 354, 355 and  
5 356; Plat Records of Brazoria County, Texas);

6       THENCE North 87 degrees 1 minute 23 seconds East, at 20.00  
7 feet pass a 5/8 inch diameter iron rod with aluminum cap in concrete  
8 found for reference corner in the Easterly right-of-way line of  
9 said County Road No. 48 (80 feet wide as dedicated), at 304.63 feet  
10 pass the centerline of Lake Ridge Circle (70 feet wide), in all  
11 540.09 feet along a Southerly line of said Stoneridge Lakes Section  
12 One Subdivision to a 5/8 inch diameter iron rod with aluminum cap in  
13 concrete found for interior corner of this tract;

14       THENCE North 2 degrees 58 minutes 37 seconds West - 67.02 feet  
15 along an Easterly line of said Stoneridge Lakes Section One  
16 Subdivision to a 5/8 inch diameter iron rod with aluminum cap in  
17 concrete found for re-entrant corner of this tract;

18       THENCE Easterly, along the Southerly lines of said Stoneridge  
19 Lakes Section One Subdivision with the following courses and  
20 distances:

21       North 87 degrees 1 minute 23 seconds East - 1092.26 feet to a  
22 point for corner;

23       Along a tangent curve to the right with the following curve  
24 data:

25       Delta: 81 Degrees, 37 Minutes, 19 Seconds

26       Radius: 235.00 feet

27       Length: 334.77 feet

1 Tangent: 202.93 feet

2 Chord: South 52 Degrees, 9 Minutes, 58 Seconds East - 307.18  
3 feet to a point for corner;

4 North 87 degrees 1 minute, 23 seconds East, at 55.93 feet past  
5 a 5/8 inch diameter iron rod found for reference in the Westerly  
6 line of a 130 foot wide drainage easement, at 185.93 feet pass a 5/8  
7 inch diameter iron rod found for reference in the Easterly line of  
8 said 130 foot wide drainage easement, at 476.85 feet pass the  
9 centerline of said Lake Ridge Circle, in all 715.35 feet to a 5/8  
10 inch diameter iron rod with aluminum cap in concrete found for  
11 interior corner of this tract;

12 THENCE North 2 degrees 58 minutes 37 seconds West - 440.76  
13 feet along an Easterly line of said Stonebridge Lakes Section One  
14 Subdivision to a 5/8 inch diameter iron rod with aluminum cap in  
15 concrete found for re-entrant corner of this tract;

16 THENCE North 87 degrees 1 minute 23 seconds East - 470.04 feet  
17 along a Southerly line of said Stoneridge Lakes Section One  
18 Subdivision to a 5/8 inch diameter iron rod with aluminum cap in  
19 concrete found for the Northeast corner of this tract; said corner  
20 being the most Easterly Southeast corner of said Stoneridge Lakes  
21 Section One Subdivision and being in the Easterly line of said call  
22 66.74 Acre Tract;

23 THENCE South 2 degrees 17 minutes 8 seconds East - 486.94 feet  
24 along the Easterly line of said call 66.74 Acre Tract being along  
25 the bank of a drainage ditch to a 5/8 inch diameter iron rod with  
26 plastic cap set for the Southeast corner of this tract; said corner  
27 being the Southeast corner of said call 66.74 Acre Tract, the

1 Northeast corner of said 70.956 Acre Tract and bears North 2  
2 Degrees, 17 Minutes, 8 Seconds West - 1020.95 feet from a 3/4 inch  
3 diameter iron rod found for the Southeast corner of said call 137.24  
4 Acre Tract;

5       THENCE South 87 degrees 16 minutes 27 seconds West (reference  
6 bearing), at 993.60 feet pass the Easterly line of said 130 foot  
7 wide drainage easement, at 1123.60 feet pass the Westerly line of  
8 said 130 foot wide drainage easement, in all 3043.95 feet along the  
9 Southerly line of said call 66.74 Acre Tract and along the Northerly  
10 line of said call 70.96 Acre Tract to the POINT OF BEGINNING and  
11 containing 14.991 acres of land.

12       TRACT 3

13       Being 70.956 acres of land, being a called 70.96 Acre Tract of  
14 land (Brazoria County Clerk's File No. 03-004685), and being out of  
15 a called 137.24 Acre Tract of land (Volume 85-226, Page 493;  
16 Official Records of Brazoria County, Texas) being out of Lots 37,  
17 38, 39, 40, 47, 48, 49 and 50 of the C.W. Palmer Subdivision (Volume  
18 2, Page 29; Plat Records of Brazoria County, Texas) being in the  
19 H.T. & B. Railroad Company Survey, Section No. 9, Abstract No. 238,  
20 Brazoria County, Texas.

21       BEGINNING at a one and one-quarter inch outside diameter iron  
22 pipe found in the existing Easterly right-of-way line of Brazoria  
23 County Road No. 48 (Airline Road - 60 feet wide at this point) for  
24 the Northwest corner of said call 70.96 Acre Tract; said corner  
25 being the Southwest corner of a 14.991 Acre Tract, being the  
26 Southwest corner of a call 66.74 Acre Tract (Brazoria County  
27 Clerk's File No. 02-036975) and being in the Westerly line of said

1 call 137.24 Acre Tract; said corner being the Northwest corner of  
2 this tract;

3         THENCE North 87 degrees 16 minutes 27 seconds East (reference  
4 bearing), at 1920.35 feet pass the Westerly line of a 130 foot wide  
5 drainage easement, at 2050.35 feet pass the Easterly line of said  
6 130 foot wide drainage easement, in all 3043.95 feet along the  
7 Northerly line of said call 70.96 Acre Tract, being along the  
8 Southerly line of said 14.991 Acre Tract and along the Southerly  
9 line of said call 66.74 Acre Tract to a 5/8 inch diameter iron rod  
10 with plastic cap set for the Northeast corner of this tract; said  
11 corner being the Southeast corner of said 14.991 Acre Tract and  
12 bears South 2 degrees 17 minutes 8 seconds East - 486.94 feet from a  
13 5/8 inch diameter iron rod with aluminum cap in concrete found for  
14 the most Easterly Southeast corner of Stoneridge Lakes Section One  
15 Subdivisions (Volume 23, Pages 353, 354, 355, and 356; Plat Records  
16 of Brazoria County, Texas);

17         THENCE South 2 degrees 17 minutes 8 seconds East - 1020.95  
18 feet along the Easterly line of said call 70.96 Acre Tract, along  
19 the Easterly line of said call 137.24 Acre Tract and along the  
20 Westerly line of a call 8.58 Acre Tract (Brazoria County Clerk File  
21 No. 01-032189) to a 3/4 inch diameter iron rod found for the  
22 Southeast corner of this tract; said corner being the Southeast  
23 corner of said call 70.96 Acre Tract being the Southwest corner of  
24 said call 8.58 Acre Tract and bears South 87 degrees 55 minutes 39  
25 seconds West - 80.00 feet from a 1/2 inch diameter iron rod with a  
26 cap found for the Southwest corner of a 74.337 Acre Tract;

27         THENCE South 87 degrees 16 minutes 27 seconds West, at 902.33

1 feet pass the Easterly line of said 130 foot wide drainage easement,  
2 at 1032.33 feet pass the Westerly line of said 130 foot wide  
3 drainage easement, at 2962.33 feet pass North 2 degrees 43 minutes  
4 33 seconds West - 11.82 feet from a one and one-quarter inch outside  
5 diameter iron pipe found for reference, in all 2987.26 feet along  
6 the Southerly line of said call 70.96 Acre Tract, along the  
7 Southerly line of said call 137.24 Acre Tract and along the  
8 Northerly line of a call 264.481750 Acre Tract (Second Tract,  
9 Volume 1147, Page 483, Deed Records of Brazoria County, Texas) to a  
10 5/8 inch diameter iron rod with plastic cap set for the Southwest  
11 corner of this tract;

12       THENCE Northwesterly, along the Westerly line of said call  
13 70.96 Acre Tract, along the Westerly line of said call 137.24 Acre  
14 Tract and along the Easterly right-of-way line of said Brazoria  
15 County Road No. 48 (60 feet wide at this point) as fenced with the  
16 following courses and distances:

17       North 8 degrees 33 minutes 53 seconds West - 440.19 feet to a  
18 point for angle;

19       North 3 degrees 7 minutes 32 seconds West - 583.03 feet to the  
20 POINT OF BEGINNING and containing 70.956 acres of land.

21       TRACT 4

22       Being 243.807 Acres of land, being all of Lots 1, 2 and 3, and  
23 also that portion of a 60 foot wide road lying between said Lots 1  
24 and 2 of the Bogart and Taylor Subdivision of the West 1/2 of the  
25 W.D.C. Hall League, Abstract 69 according to the Plat recorded in  
26 Volume 1, Page 64 of the map records of Brazoria County, Texas; said  
27 60 foot platted right-of-way being closed, abandoned, and vacated

1 by the Commissioners' Court at the petition of Claud B. Hamill and  
2 other freeholders per Volume 1269, Page 945 and Volume 1277, Page  
3 900, B.C.D.R.; said 243.807 Acres being more particularly described  
4 as follows:

5 BEGINNING at a found 1/2 inch iron rod with cap, the Northwest  
6 Corner of Lot 1, of said Subdivision the Northwest corner of this  
7 tract;

8 THENCE North 87 degrees 01 minutes 49 seconds East, along the  
9 North lines of said Lots 1, 2, 3, and the North end of said 60 foot  
10 road, same being the South lines of Lots 163-191 of Grasslands  
11 Subdivision (aka "Old Airline Road Estates"), a called 140.024 acre  
12 unrecorded subdivision out of Lots 35, 41-45, 51-55 and portions of  
13 Lots 36, 46, 56 and 57 of the CW Palmer Subdivision of Section 9,  
14 HT&B RR Company Survey, A-238, as recorded in Volume 2, Page 29,  
15 BCPR, a distance of 4026.98 feet to a set 1/2 inch iron rod with cap,  
16 on the West line of Airline Road/County Road 48, the Northeast  
17 corner of Lot 3 as shown on said Plat of Bogart and Taylor;

18 THENCE South 02 degrees 56 minutes 12 seconds East, along the  
19 West line of Airline Road, a distance of 2637.27 feet to a set 1/2  
20 inch iron rod on the North line of Adams Road/County Road 841, the  
21 Southeast corner of Lot 3 as shown on said Plat of Bogart and  
22 Taylor;

23 THENCE South 87 degrees 01 minutes 49 seconds West, along the  
24 North line of Adams Road, a distance of 4026.98 feet to a set 1/2  
25 inch iron rod, the Southwest corner of Lot 1 as shown on said Plat of  
26 Bogart and Taylor;

27 THENCE North 02 degrees 56 minutes 12 seconds West, along the

1 West line of said Lot 1, same being the East line of that called  
2 264.533 Acre Tract of land as described by deed recorded in Brazoria  
3 County Clerk's File No. 2005-069871, a distance of 2637.27 feet to  
4 the POINT OF BEGINNING, and containing 243.807 acres of land, more  
5 or less, and being that same tract of land as described in the deed  
6 from J.O. Garrett, Trustee, to Claud B. Hamill recorded in Volume  
7 1175, Page 763 (as to Lot 1) and Alice Cannon Carlson to Claud B.  
8 Hamill recorded as "First Tract" in Volume 1147, Page 483 (as to  
9 Lots 2 and 3), and portion of the right-of-way as abandoned by the  
10 County in Volume 1269, Page 945 and Volume 1277, Page 900, all of  
11 the deed records of Brazoria County, Texas, to which deeds and the  
12 records thereof reference is here made for all appropriate  
13 purposes.

14 TRACT 5

15 Being 203.29 Acres of land, out of Lots 4, 5, and 6 of the  
16 Bogart and Taylor Subdivision of the West 1/2 of the W.D.C. Hall  
17 League, Abstract 69, according to the Plat recorded in Volume 1,  
18 Page 64 of the Map Records of Brazoria County, Texas (B.C.M.R.), and  
19 being more particularly described by metes and bounds as follows:

20 BEGINNING at a found 1 inch pipe the Northwest corner of Lot  
21 4, said point being located in the East right-of-way line of Airline  
22 Road / County Road 48, with said point also being the Northwest  
23 corner of this tract and the POINT OF BEGINNING;

24 THENCE North 86 degrees 57 minutes 02 seconds East, along the  
25 North line of Lots 4, 5, and 6, same being the South lines of that  
26 called 70.96 Acre Tract as described by deed recorded in B.C.C.F.  
27 No. 03-004685 out of Lots 47-50 of the CS Palmer Subdivision of

H.B. No. 4606

1 Section 9 of the HT&B RR Company Survey, A-238, recorded in Volume  
2 2, Page 29, B.C.M.R., distance of 2974.14 feet to a set 1/2 inch  
3 iron rod with cap at point of intersection;

4       THENCE North 87 degrees 35 minutes 00 seconds East,  
5 continuing along the North line of Lot 6, same being the South lines  
6 of that called 74.33 Acre Tract described by deed recorded in  
7 B.C.C.F. No. 03-064681 (therein called "Tract 1") out of the CM  
8 Hays Survey, Section 8, A-534, a distance of 382.13 feet for the  
9 Northeast corner of this tract;

10       THENCE South 03 degrees 00 minutes 50 seconds East, a  
11 distance of 2,633.04 feet for the Southeast corner of this tract,  
12 said point being located in the North right-of-way line of Adams  
13 Road / County Road 841, a public road, presently unopened;

14       THENCE South 86 degrees 57 minutes 02 seconds West, along the  
15 North right-of-way line of Adams Road, a distance of 3,359.80 feet  
16 to a set 1/2 inch iron rod with cap for the Southwest corner of this  
17 tract, said point also being the Southwest corner of Lot 4 and being  
18 located in the East right-of-way line of Airline Road;

19       THENCE North 02 degrees 56 minutes 12 seconds West, along the  
20 East right-of-way line of Airline Road, a distance of 2,637.27 feet  
21 to the POINT OF BEGINNING and containing 203.29 acres of land, more  
22 or less, and being a part of the same property described in the deed  
23 "Tract B" as described in the Clerk's File No. 2008-037928 of  
24 Brazoria County, Texas, to which deed and the record thereof  
25 reference is here made for all appropriate purposes.

26       TRACT 6

27       Being 185.59 acres of land, being a part of that certain

1 called 325.54 Acre Tract containing Lots 12, 13, and 14, and those  
2 platted roads lying between said Lots, of the Bogart and Taylor  
3 Subdivision of the West 1/2 of the W.D.C. Hall League, Abstract 69,  
4 Brazoria County, Texas, according to the Plat recorded in Volume 1,  
5 Page 64, Plat Records, and Volume 16, Pages 518-519, Deed Records of  
6 Brazoria County, Texas (B.C.D.R), and being a part of that certain  
7 called 326.04 Acre Tract described in a deed from Elmer M. Cannon,  
8 Jr. to Tehama Communities, LLP recorded in Clerk's File (C.F.)  
9 2006-074531, said 185.59 Acre Tract being more particularly  
10 described as follows:

11 BEGINNING at a 1/2 inch iron rod found in the West  
12 right-of-way line of County Road 48 (60.0 feet wide), said point  
13 being a Northeast corner of this tract and the Southeast corner of a  
14 tract described as Tract One in a deed to Allen W. Gibson recorded  
15 in C.F. 2001-017726, said point being located South 03 degrees 02  
16 minutes 44 seconds East, 990.09 feet, from a sucker rod found at the  
17 intersection of the West right-of-way line of County Road 48 with  
18 the South right-of-way line of County Road 841 (60.0 feet wide);  
19 THENCE South 03 degrees 02 minutes 44 seconds East, along said West  
20 right-of-way line of County Road 48, 330.0 feet, to a point for  
21 corner a the Northeast corner of the Ann M. Doggett Tract described  
22 in Volume 1474, Page 244, B.C.D.R.; THENCE South 86 degrees 56  
23 minutes 42 seconds West, along the North line of said Doggett Tract,  
24 at 7.0 feet pass a 1/2 inch iron rod set for reference, and continue  
25 for a total distance of 1,318.61 feet to a 1/2 inch iron rod found  
26 inside a 3 inch iron pipe at the Northwest corner of said Doggett  
27 Tract;

1           THENCE South 02 degrees 56 minutes 25 seconds East, along the  
2 West line of said Doggett Tract, 330.30 feet, to a 1/2 inch iron rod  
3 found inside a 3 inch iron pipe at the Southwest corner of said  
4 Doggett Tract;

5           THENCE North 86 degrees 56 minutes 42 seconds East, along the  
6 South line of said Doggett Tract, at 1,311.87 feet pass a 1 inch  
7 iron pipe found, and continue for a total distance of 1319.22 feet  
8 to a point marking the Southeast corner of said Doggett Tract in  
9 said West right-of-way line of said County Road 48;

10          THENCE South 03 degrees 02 minutes 44 seconds East, along  
11 said West right-of-way line of County Road 48, 979.20 feet, to the  
12 centerline of a 60.0 foot platted road (not open) for corner, said  
13 point being the Eastern most Southeast corner of the herein  
14 described tract;

15          THENCE South 86 degrees 57 minutes 14 seconds West, along  
16 said centerline of a 60.0 foot platted road, 3,882.14 feet, to the  
17 Southern most Southwest corner of the herein described tract for  
18 corner, said point also lying in the Northeast right-of-way line of  
19 F.M. 521 (100.0 feet wide);

20          THENCE North 18 degrees 47 minutes 40 seconds West, along  
21 said Northeast right-of-way line of F.M. 521, 449.11 feet, to a  
22 broken concrete monument found for corner in the common line of the  
23 W.D.C. Hall League, Abstract 69, and the John Hall League, Abstract  
24 68, said point being the Southern most corner of the Earl A. Key  
25 Tract described in C.F. 1998-045344;

26          THENCE North 03 degrees 15 minutes 37 seconds West, along the  
27 said common line of the W.D.C. Hall League, Abstract 69, and the

1 John Hall League, Abstract 68, being the Easterly line of said Key  
2 Tract, the Key Tract described in C.F. 1998-028462, the William E.  
3 Murphy Tract described in C.F. 2001-009763, the Nicholas O.  
4 Martinez Tract described in C.F. 2002-037450, the Danny Netterville  
5 Tract described in C.F. 2007-015818, the David Saucedo Tract  
6 described in C.F. 2003-004766, the Ifeoma A. Nwankwo Tract  
7 described in C.F. 2004-044384, the Larry Robinson Tract described  
8 in C.F. 2003-038622, the Roque Arredondo Tract described in C.F.  
9 2005-046389, and the Sierra Homes Tract described in C.F.  
10 2006-059259, passing several 1/2 inch iron rods found on line,  
11 2,179.53 feet, to a 3/4 inch iron pipe set for the Western most  
12 Northwest corner of the herein described tract at the Northwest  
13 corner of Lot 14, from which point a 1 - 1/2 inch iron pipe found  
14 bears South 86 degrees 10 minutes 54 seconds West, 1.96 feet;

15       THENCE North 86 degrees 10 minutes 54 seconds East, along the  
16 said North line of Lot 14 and the South line of a 60.0 foot platted  
17 road, 1,341.71 feet, to a 3/4 inch iron pipe set for the Northern  
18 most Northeast corner of the herein described tract in the  
19 centerline of a 60.0 foot platted road (not open), from which point  
20 a 1/2 inch iron pipe found at the Northwest corner of Lot 13 bears  
21 North 86 degrees 10 minutes 54 seconds East, 30.0 feet; THENCE South  
22 03 degrees 04 minutes 59 seconds East, along the centerline of said  
23 60.0 foot platted road, 659.44 feet, to a 3/4 inch iron pipe set for  
24 corner;

25       THENCE North 86 degrees 59 minutes 02 seconds East, at 30.0  
26 feet pass a 1- 1/4 inch iron pipe found in the East line of said 60.0  
27 foot road at the Southwest corner of the Ronny Dumesnil Tract

1 escribed in Volume 1237, Page 638, B.C.D.R., and continue along the  
2 South line of said Dumesnil Tract, the Jon S. Dumesnil Tract  
3 described in Volume (92) 1029, Page 564, Official Records, the  
4 Scott G. Frankie Tract described in C.F. 1997-033820, the Scott G.  
5 Frankie Tract described in C.F. 2004-013757, and the Jan Felder  
6 Tract described in Volume 1670, Page 241, B.C.D.R., 2,009.58 feet,  
7 to a 1 inch iron pipe found for corner in the West line of the Allen  
8 W. Gibson Tract Two described in C.F. 2001-017726;

9       THENCE South 03 degrees 06 minutes 52 seconds East, along the  
10 said West line of the Gibson Tract Two and Tract One, 329.95 feet,  
11 to a 1- 1/4 inch iron pipe found at the Southwest corner of said  
12 Gibson Tract One;

13       THENCE North 86 degrees 56 minutes 43 seconds East, along the  
14 South line of said Gibson Tract One, 660.22 feet to the POINT OF  
15 BEGINNING and containing 185.59 acres of land.

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

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

26       (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

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

7 SECTION 4. (a) Section 9090.0306, Special District Local  
8 Laws Code, as added by Section 1 of this Act, takes effect only if  
9 this Act receives a two-thirds vote of all the members elected to  
10 each house.

11 (b) If this Act does not receive a two-thirds vote of all the  
12 members elected to each house, Subchapter C, Chapter 9090, Special  
13 District Local Laws Code, as added by Section 1 of this Act, is  
14 amended by adding Section 9090.0306 to read as follows:

15 Sec. 9090.0306. NO EMINENT DOMAIN POWER. The district may  
16 not exercise the power of eminent domain.

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

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