

By: Creighton

S.B. No. 2196

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7905A to read as follows:

CHAPTER 7905A. CLEVELAND MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7905A.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Cleveland Municipal Utility District No. 2.

Sec. 7905A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7905A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 7905A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7905A.0103 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. 7905A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8 (a) 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, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 7905A.0106. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7905A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7905A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7905A.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Curtis R. Campbell;

10 (2) Gready W. Hunter;

11 (3) Kevin R. Loeffler;

12 (4) Gordon Richardson; and

13 (5) Greg Eknoyan.

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

15 (1) the date permanent directors are elected under
16 Section 7905A.0103; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 7905A.0103 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 7905A.0103; 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. 7905A.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7905A.0302. 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. 7905A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve,
20 operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads, or improvements, including storm drainage, in aid
23 of those roads.

24 Sec. 7905A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

2 (b) If a road project is not located in the corporate limits
3 or extraterritorial jurisdiction of a municipality, the road
4 project must meet all applicable construction standards,
5 subdivision requirements, and regulations of each county in which
6 the road project is located.

7 (c) If the state will maintain and operate the road, the
8 Texas Transportation Commission must approve the plans and
9 specifications of the road project.

10 Sec. 7905A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 Sec. 7905A.0306. EFFECT OF ANNEXATION. (a) A municipality
17 within whose extraterritorial jurisdiction the land in the district
18 lies may annex all of the district into its corporate limits under
19 the terms of an agreement entered into before the effective date of
20 the Act creating this chapter between the municipality and the
21 owners of the land being annexed, and, in that instance, the
22 district may not be dissolved, except as provided by Subsection
23 (b).

24 (b) The district may be dissolved and its debts and
25 obligations assumed by the municipality in accordance with Chapter
26 43, Local Government Code, including Sections 43.075 and 43.0715,
27 on:

1 (1) annexation of all of the territory of the district
2 by the municipality; and

3 (2) completion of the construction of the water,
4 sanitary sewer, and drainage improvements and roads required to
5 serve at least 95 percent of the land in the district.

6 (c) Notwithstanding Section 54.016(f)(2), Water Code, a
7 contract between the municipality and the district that provides
8 for the allocation of the taxes or revenues between the district and
9 the municipality following the date of inclusion of all the
10 district's territory in the corporate limits of the municipality
11 may provide that the total annual ad valorem taxes collected by the
12 municipality and the district from taxable property in the district
13 may exceed the municipality's ad valorem tax on the property.

14 Sec. 7905A.0307. DIVISION OF DISTRICT. (a) The district
15 may be divided into two or more new districts only if the district:

16 (1) has no outstanding bonded debt; and

17 (2) is not imposing ad valorem taxes.

18 (b) This chapter applies to any new district created by the
19 division of the district, and a new district has all the powers and
20 duties of the district.

21 (c) Any new district created by the division of the district
22 may, at the time the new district is created, contain only:

23 (1) land within the area described by Section 2 of the
24 Act enacting this chapter; or

25 (2) any land adjacent to the area described by Section
26 2 of the Act enacting this chapter if that adjacent land is:

27 (A) not within the extraterritorial jurisdiction

1 of a municipality; or

2 (B) within the extraterritorial jurisdiction of
3 a municipality and that adjacent land has been approved for
4 inclusion in the district under the consent ordinance or resolution
5 adopted under Section 7905A.0104.

6 (d) The board, on its own motion or on receipt of a petition
7 signed by the owner or owners of a majority of the assessed value of
8 the real property in the district, may adopt an order dividing the
9 district.

10 (e) The board may adopt an order dividing the district
11 before or after the date the board holds an election under Section
12 7905A.0103 to confirm the district's creation.

13 (f) An order dividing the district must:

14 (1) name each new district;

15 (2) include the metes and bounds description of the
16 territory of each new district;

17 (3) appoint temporary directors for each new district;

18 and

19 (4) provide for the division of assets and liabilities
20 between or among the new districts.

21 (g) On or before the 30th day after the date of adoption of
22 an order dividing the district, the district shall file the order
23 with the commission and record the order in the real property
24 records of each county in which the district is located.

25 (h) Any new district created by the division of the district
26 shall hold a confirmation and directors' election as required by
27 Section 7905A.0103.

1 (i) Municipal consent is not required for the creation of
2 any new district created under this section.

3 (j) Any new district created by the division of the district
4 must hold an election as required by this chapter to obtain voter
5 approval before the district may impose a maintenance tax or issue
6 bonds payable wholly or partly from ad valorem taxes.

7 (k) If the voters of a new district do not confirm the
8 creation of the new district, the assets, obligations, territory,
9 and governance of the new district revert to that of the original
10 district.

11 Sec. 7905A.0308. LIMITATION ON USE OF EMINENT DOMAIN. The
12 district may not exercise the power of eminent domain outside the
13 district boundaries to acquire a site or easement for:

14 (1) a recreational facility, as defined by Section
15 49.462, Water Code; or

16 (2) a road project authorized by Section 7905A.0303.

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 7905A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
19 The district may issue, without an election, bonds and other
20 obligations secured by:

21 (1) revenue other than ad valorem taxes; or

22 (2) contract payments described by Section
23 7905A.0403.

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

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

5 Sec. 7905A.0402. OPERATION AND MAINTENANCE TAX. (a) If
6 authorized at an election held under Section 7905A.0401, the
7 district may impose an operation and maintenance tax on taxable
8 property in the district in accordance with Section 49.107, Water
9 Code.

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

12 Sec. 7905A.0403. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax and use the revenue derived from
15 the tax to make payments under a contract after the provisions of
16 the contract have been approved by a majority of the district voters
17 voting at an election held for that purpose.

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

21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22 Sec. 7905A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. The district may issue bonds or other obligations
24 payable wholly or partly from ad valorem taxes, impact fees,
25 revenue, contract payments, grants, or other district money, or any
26 combination of those sources, to pay for any authorized district
27 purpose.

1 Sec. 7905A.0502. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 board shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 Sec. 7905A.0503. BONDS FOR ROAD PROJECTS. At the time of
8 issuance, the total principal amount of bonds or other obligations
9 issued or incurred to finance road projects and payable from ad
10 valorem taxes may not exceed one-fourth of the assessed value of the
11 real property in the district.

12 SECTION 2. The Cleveland Municipal Utility District No. 2
13 initially includes all the territory contained in the following
14 area:

15 Tract 1: 327.35 Acre Tract

16 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 327.35
17 ACRES SITUATED IN THE T.J. WILLIAMS SURVEY, ABSTRACT No. 593,
18 MONTGOMERY COUNTY, TEXAS, AND IN THE T.J. WILLIAMS SURVEY, ABSTRACT
19 No. 404, LIBERTY COUNTY, TEXAS, AND BEING ALL OF A CALLED 190.39
20 ACRE TRACT AS RECORDED IN LIBERTY COUNTY CLERK'S FILE No.
21 2004009912, ALL OF A CALLED 2.6091 ACRE 30 FOOT WIDE EASEMENT AS
22 RECORDED IN LIBERTY COUNTY CLERK'S FILE No. 2013018887, ALL OF A
23 CALLED 34.84 ACRE TRACT AS RECORDED IN VOLUME 1632, PAGE 268,
24 OFFICIAL PUBLIC RECORDS LIBERTY COUNTY, TEXAS, AND PART OF A CALLED
25 120.000 ACRE TRACT AS RECORDED IN VOLUME 1447, PAGE 468, OFFICIAL
26 PUBLIC RECORDS LIBERTY COUNTY, TEXAS AND MONTGOMERY COUNTY CLERK'S
27 FILE No. 9301337; SAID 327.35 ACRE TRACT BEING MORE PARTICULARLY

1 DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:
2 BEGINNING at a concrete monument found for the northeast corner of a
3 called 64.6488 acre tract as recorded in Volume 1953, Page 23,
4 Official Public Records Liberty County, Texas, same being the
5 northwest corner of said 190.39 acre tract and a corner of this
6 herein described tract;
7 THENCE North 86 degrees 58 minutes 14 seconds East, a distance of
8 1881.20 feet (called North 89 degrees 50 minutes 58 seconds East, a
9 distance of 1884.39 feet) with the north line of said 190.39 acre
10 tract, same being the south line of a called 360.4002 acre tract as
11 recorded in Liberty County Clerk's File No. 2016000084 to a 5/8
12 inch iron rod found for a corner of this herein described tract,
13 from which a found 3/8 inch iron rod with cap bears: South 01
14 degrees 36 minutes East, a distance of 39.9 feet;
15 THENCE South 03 degrees 13 minutes 58 seconds East, a distance of
16 765.62 feet (called South 00 degrees 19 minutes 36 seconds East, a
17 distance of 766.58 feet) with the upper east line of said 190.39
18 acre tract, same being the west line of a called 10.1648 acre tract,
19 called Tract 1 as recorded in Liberty County Clerk's File
20 No. 2013018887 to a 5/8 inch iron rod found for a corner of this
21 herein described tract;
22 THENCE North 86 degrees 52 minutes 33 seconds East, a distance of
23 696.98 feet (called North 89 degrees 43 minutes 53 seconds East, a
24 distance of 697.59 feet) with the common line of said 190.39 acre
25 tract, same being the south line of said 10.1648 acre tract, called
26 Tract 1 to a 5/8 inch iron rod with cap found for a corner of this
27 herein described tract;

1 THENCE North 03 degrees 08 minutes 50 seconds West, a distance of
2 131.54 feet (called North 00 degrees 27 minutes 51 seconds West, a
3 distance of 131.80 feet) with the common line of said 190.39 acre
4 tract, same being the east line of a called 10.1648 acre tract,
5 called Tract 2 as recorded in Liberty County Clerk's File
6 No. 2013018887 to a 5/8 inch iron rod with cap found for a corner of
7 this herein described tract;

8 THENCE North 86 degrees 33 minutes 47 seconds East, a distance of
9 40.27 feet (called North 89 degrees 41 minutes 30 seconds East, a
10 distance of 40.00 feet) with the common line of said 190.39 acre
11 tract, same being the common line of said 10.1648 acre tract, called
12 Tract 2 to a 5/8 inch iron rod with cap found for a corner of this
13 herein described tract;

14 THENCE South 03 degrees 31 minutes 47 seconds East, a distance of
15 515.41 feet (called South 00 degrees 38 minutes 47 seconds East, a
16 distance of 515.29 feet) with the east line of said 190.39 acre
17 tract, same being the west line of said 10.1648 acre tract, called
18 Tract 2 to a fence corner found for a corner of this herein
19 described tract, from which a found fence post bears: South 87
20 degrees 59 minutes East, a distance of 1.7 feet;

21 THENCE North 86 degrees 12 minutes 38 seconds East, a distance of
22 1325.30 feet (called North 89 degrees 04 minutes 53 seconds East, a
23 distance of 1325.42 feet) with the north line of said 2.6091 acre
24 easement, same being the south line of said 10.1648 acre tract,
25 called Tract 2, a called 10.1648 acre tract, called Tract 3 as
26 recorded in Liberty County Clerk's File No. 2013018887, a called
27 10.1648 acre tract, called Tract 4 as recorded in Liberty County

1 Clerk's File No. 2013018887 and a called 19.000 acre tract, called
2 Tract 6 as recorded in Liberty County Clerk's File No. 2013018887 to
3 a 5/8 inch iron rod set for a corner of this herein described tract;
4 THENCE North 89 degrees 36 minutes 34 seconds East, a distance of
5 994.20 feet (called North 87 degrees 31 minutes 11 seconds East)
6 with the north line of said 2.6091 acre easement, same being the
7 south line of said 19.000 acre tract to a 5/8 inch iron rod found for
8 a corner of this herein described tract;
9 THENCE North 02 degrees 15 minutes 04 seconds West, a distance of
10 518.23 feet (called North 00 degrees 37 minutes 11 seconds East)
11 with the west line of said 2.6091 acre easement, same being the east
12 line of said 19.000 acre tract to a 5/8 inch iron rod found for a
13 corner of this herein described tract;
14 THENCE South 87 degrees 18 minutes 12 seconds West, a distance of
15 310.97 feet (called North 89 degrees 49 minutes 33 seconds West)
16 with the south line of said 2.6091 acre easement, same being the
17 common line of said 19.000 acre tract to a 5/8 inch iron rod with cap
18 found for a corner of this herein described tract;
19 THENCE North 03 degrees 13 minutes 57 seconds West, a distance of
20 641.11 feet (called North 00 degrees 21 minutes 42 seconds West, a
21 distance of 641.10 feet) with the west line of said 2.6091 acre
22 easement, same being the east line of said 19.000 acre tract to a
23 5/8 inch iron rod with cap found in the south margin of Smith Road
24 for a corner of this herein described tract;
25 THENCE North 87 degrees 01 minutes 50 seconds East, a distance of
26 30.26 feet (called North 89 degrees 47 minutes 11 seconds East, a
27 distance of 30.17 feet) with the south margin of said Smith Road,

1 same being the north line of said 2.6091 acre easement to a 5/8 inch
2 iron rod found for the northeast corner of this herein described
3 tract, from which a found 1-inch disturbed iron pipe bears: North 03
4 degrees 11 minutes East, a distance of 20.2 feet;
5 THENCE South 03 degrees 12 minutes 29 seconds East, a distance of
6 611.25 feet (called South 00 degrees 20 minutes 13 seconds East)
7 with the east line of said 2.6091 acre easement, same being the west
8 line of a called 4.00 acre tract, called Lot 1 as recorded in
9 Liberty County Clerk's File No. 2005008870 to a 5/8 inch iron rod
10 with cap found for a corner of this herein described tract;
11 THENCE North 87 degrees 45 minutes 26 seconds East, a distance of
12 311.37 feet (called South 89 degrees 31 minutes 21 seconds East, a
13 distance of 311.67 feet) with the north line of said 2.6091 acre
14 easement, same being the south line of said 4.00 acre tract to a 5/8
15 inch iron rod with cap found for a corner of this herein described
16 tract, from which a found 2-inch iron pipe bears: South 02 degrees
17 38 minutes East, a distance of 210.1 feet;
18 THENCE South 02 degrees 12 minutes 18 seconds East, a distance of
19 575.24 feet (called South 00 degrees 40 minutes 48 seconds West, a
20 distance of 577.79 feet) with the east line of said 2.6091 acre
21 easement, same being the west line of a called 16.9 acre tract as
22 recorded in Volume 63, Page 544, Deed Records Liberty County, Texas
23 and a called 12.6905 acre tract as recorded in Volume 677, Page 306,
24 Deed Records Liberty County, Texas to a 1-1/2 inch iron pipe found
25 for a corner of this herein described tract;
26 THENCE South 89 degrees 30 minutes 46 seconds West, a distance of
27 1023.68 feet (called North 87 degrees 31 minutes 11 seconds West, a

1 distance of 1023.71 feet) with the south line of said 2.6091 acre
2 easement, same being the north line of a called 40 acre tract as
3 recorded in Volume 528, Page 399, Deed Records Liberty County,
4 Texas to a 1-inch iron pipe found for a corner of this herein
5 described tract;

6 THENCE South 86 degrees 12 minutes 38 seconds West, a distance of
7 1324.54 feet (called South 89 degrees 04 minutes 53 seconds West, a
8 distance of 1324.67 feet) with the south line of said 2.6091 acre
9 easement, same being the north line of a called 80 acre tract as
10 recorded in Volume 100, Page 43, Deed Records Liberty County, Texas
11 to a 1-inch iron pipe found for a corner of this herein described
12 tract;

13 THENCE South 02 degrees 04 minutes 35 seconds East, a distance of
14 1316.22 feet (called South, a distance of 1319.44 feet) with the
15 east line of said 190.39 acre tract, same being the west line of
16 said 80 acre tract to a 1-inch iron rod found for a corner of this
17 herein described tract;

18 THENCE South 03 degrees 52 minutes 46 seconds East, a distance of
19 747.37 feet (called South 00 degrees 13 minutes 25 seconds East)
20 with the east line of said 190.39 acre tract, same being the west
21 line of said 80 acre tract and a called 25 acre tract, called First
22 Tract as recorded in Volume 1776, Page 354, Official Public Records
23 Liberty County, Texas to a 5/8 inch iron rod found for a corner of
24 this herein described tract;

25 THENCE South 02 degrees 19 minutes 22 seconds East, a distance of
26 158.63 feet (called South 00 degrees 09 minutes 37 seconds West, a
27 distance of 158.37 feet) with the east line of said 190.39 acre

1 tract, same being the west line of said 25 acre tract, called First
2 Tract to a 1-inch iron pipe found for a corner of this herein
3 described tract;

4 THENCE South 02 degrees 22 minutes 25 seconds East, a distance of
5 1176.33 feet (called South, a distance of 1176.43 feet) with the
6 east line of said 34.84 acre tract, same being the west line of said
7 25 acre tract, called First Tract and a called 30 acre tract as
8 recorded in Liberty County Clerk's File No. 2016004237 to a 5/8
9 inch disturbed iron rod found for the southeast corner of this
10 herein described tract;

11 THENCE South 87 degrees 41 minutes 22 seconds West, a distance of
12 1288.59 feet (called North 89 degrees 57 minutes 00 seconds West, a
13 distance of 1288.60 feet) with the south line of said 34.84 acre
14 tract, same being the north line of Lot 6, Lot 7, Lot 8 and Lot 9,
15 Block 1 of Five Oaks Estates as recorded in Volume 9, Page 154, Map
16 Records Liberty County, Texas to a fence corner found for a corner
17 of this herein described tract;

18 THENCE North 02 degrees 30 minutes 04 seconds West, a distance of
19 1176.27 feet (called North 00 degrees 08 minutes 00 seconds West, a
20 distance of 1176.43 feet) with the west line of said 34.84 acre
21 tract, same being the east line of Lot 11, Lot 12, Lot 13 and Lot 14,
22 Block 1 of said Five Oaks Estates to a 3/4 inch iron rod found for a
23 corner of this herein described tract;

24 THENCE South 87 degrees 38 minutes 04 seconds West, a distance of
25 1305.74 feet (called South 89 degrees 31 minutes 20 seconds West)
26 with the south line of said 190.39 acre tract, same being the north
27 line of Lot 15, Lot 16, Lot 17, Lot 18 and Lot 19, Block 1 of said

1 Five Oaks Estates to a 1/2 inch iron rod found for a corner of this
2 herein described tract;

3 THENCE North 13 degrees 40 minutes 00 seconds West, a distance of
4 31.96 feet with the west line of said 190.39 acre tract, same being
5 the east line of a called 20.000 acre tract as recorded in Liberty
6 County Clerk's File No. 2006010055 and Montgomery County Clerk's
7 File No. 99022936 to a 1-inch iron pipe found for a corner of this
8 herein described tract;

9 THENCE North 03 degrees 06 minutes 45 seconds West, a distance of
10 295.56 feet (called North 03 degrees 13 minutes 40 seconds West, a
11 distance of 295.13 feet) with the west line of said 190.39 acre
12 tract, same being the east line of a called 20 acre tract as
13 recorded in Volume 1860, Page 701, Official Public Records Liberty
14 County, Texas and Montgomery County Clerk's File No. 2000082976 to
15 a 1-inch disturbed iron pipe found for a corner of this herein
16 described tract;

17 THENCE North 03 degrees 02 minutes 43 seconds West, a distance of
18 567.17 feet (called a distance of 567.50 feet) with the west line of
19 said 190.39 acre tract, same being the east line of a called 20 acre
20 tract as recorded in Volume 1458, Page 553, Official Public Records
21 Liberty County, Texas and a called 20.00 acre tract as recorded in
22 Liberty County Clerk's File No. 2018025291 and Montgomery County
23 Clerk's File No. 2018111375 to a 3/4 inch iron pipe found for a
24 corner of this herein described tract;

25 THENCE South 86 degrees 18 minutes 30 seconds West, a distance of
26 3149.85 feet with the south line of a called 20 acre tract as
27 recorded in Volume 1546, Page 559, Official Public Records Liberty

1 County, Texas, same being the north line of said 20.00 acre tract as
2 recorded in Liberty County Clerk's File No. 2018025291 and
3 Montgomery County Clerk's File No. 2018111375 to a 5/8 inch iron
4 rod found in the east margin of Fostoria Tram Road (100 foot R.O.W.)
5 for a corner of this herein described tract, from which a found
6 1-inch iron pipe bears: North 18 degrees 35 minutes West, a distance
7 of 283.3 feet;

8 THENCE North 18 degrees 35 minutes 01 seconds West, a distance of
9 1024.67 feet (called North 18 degrees 35 minutes 33 seconds West)
10 with the east margin of said Fostoria Tram Road, same being the west
11 line of said 120.000 acre tract to a 1-inch iron pipe found for a
12 corner of this herein described tract, from which a found 1-inch
13 iron pipe bears: North 18 degrees 39 minutes West, a distance of
14 60.2 feet;

15 THENCE North 75 degrees 38 minutes 26 seconds East, a distance of
16 3486.55 feet (called North 75 degrees 37 minutes 05 seconds East, a
17 distance of 3485.74 feet) with the north line of said 120.000 acre
18 tract, same being the south line of a called 6.66 acre tract as
19 recorded in Liberty County Clerk's File No. 2006004158 and
20 Montgomery County Clerk's File No. 2005139572, a called 1.648 acre
21 tract as recorded in Montgomery County Clerk's File No. 2005139573,
22 a called 1.691 acre tract as recorded in Montgomery County Clerk's
23 File No. 2005139574 and said 64.6488 acre tract to a 3/4 inch iron
24 pipe found for a corner of this herein described tract;

25 THENCE North 03 degrees 17 minutes 31 seconds West, a distance of
26 838.84 feet (called North 03 degrees 15 minutes 31 seconds West, a
27 distance of 839.13 feet) with the west line of said 190.39 acre

1 tract, same being the east line of said 64.6488 acre tract to the
2 POINT OF BEGINNING and containing 327.35 acres.

3 BEARING STRUCTURE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD
4 83, TEXAS CENTRAL ZONE.

5 Tract 2: 359.4174 Acre Tract

6 BEING A 359.4174 ACRE TRACT OF LAND SITUATED IN LIBERTY COUNTY,
7 TEXAS AND BEING OUT OF THE THOMAS DEVERS SURVEY, ABSTRACT NO. 169,
8 AND PETER ORNIE SURVEY, ABSTRACT NO. 326, BEING OUT OF A CALLED
9 368.6110 ACRE TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME
10 1490, PAGE 338 OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS,
11 AND BEING OUT OF THOSE CERTAIN FRIENDSWOOD TRACTS AS DESCRIBED IN
12 VOLUME 626, PAGE 324 LIBERTY COUNTY DEED RECORDS AND BEING OUT OF
13 THOSE CERTAIN TRACTS OR PARCELS CONVEYED TO STROTHER TIMBERLANDS,
14 LTD., IN A DEED RECORDED IN VOLUME 1394 PAGE 70 OF THE OFFICIAL
15 PUBLIC RECORDS OF LIBERTY COUNTY (O.P.R.L.C.), DATED DECEMBER 18,
16 1991, AND IN A DEED FROM KING RANCH TO STROTHER TIMBERLANDS, LTD.,
17 RECORDED IN VOLUME 1394 PAGE 672 OF THE OFFICIAL PUBLIC RECORDS OF
18 REAL PROPERTY OF LIBERTY COUNTY, TEXAS: SAID TRACT BEING OUT OF
19 THOSE CERTAIN TRACTS OF LAND AS DESCRIBED IN THOSE CERTAIN DEEDS
20 FROM STROTHERS TIMBERLANDS, LTD., TO EUGENE CAMPBELL AS RECORDED IN
21 VOLUME 1404 PAGE 280 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
22 OF SAN JACINTO COUNTY, AND RECORDED UNDER THE COUNTY CLERK'S FILM
23 CODE NO. 776?01?0783 OF MONTGOMERY COUNTY;

24 LESS A CALLED 8.1476 ACRE TRACT AS SET OUT IN LIS PENDENS RECORDED
25 IN FILM CODE NO. 2006015260, REAL PROPERTY RECORDS, LIBERTY COUNTY,
26 TEXAS; SAID 359.4174 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED
27 BY METES AND BOUNDS AS FOLLOWS, TO-WIT: (BEARINGS BASED ON THE

1 NORTHWEST PROPERTY LINE, SAME BEING THE SOUTHEAST RIGHT-OF-WAY LINE
2 OF STATE HIGHWAY NO. 105, BEING NORTH 67 DEGREES 46 MINUTES 10
3 SECONDS EAST) SAID 359.4174 ACRES BEING MORE PARTICULARLY DESCRIBED
4 AS FOLLOWS;

5 COMMENCING AT A POINT BEING THE NORTHEAST CORNER OF SAID 8.1476 ACRE
6 TRACT, SAME BEING THE NORTHEAST CORNER OF SAID 368.6100 ACRE TRACT
7 AND BEING IN THE OLD SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO.
8 105;

9 THENCE SOUTH 03 DEGREES 30 MINUTES 27 SECONDS EAST, ALONG THE EAST
10 LINE OF SAID 8.1476 AND 368.6110 ACRE TRACTS, A DISTANCE OF 340.17
11 FEET TO A FOUND TX DOT MONUMENT FOR THE SOUTHEAST CORNER OF SAID
12 8.1476 ACRE TRACT AND NORTHEAST CORNER AND POINT OF BEGINNING OF THE
13 HEREIN DESCRIBED TRACT;

14 THENCE SOUTH 03 DEGREES 29 MINUTES 24 SECONDS EAST, CONTINUING
15 ALONG THE EAST LINE OF SAID 368.6110 ACRE TRACT, A DISTANCE OF
16 2885.86 FEET TO A 1 INCH IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF
17 A CALLED 20.00 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 1606,
18 PAGE 110 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS,
19 AND BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

20 THENCE NORTH 86 DEGREES 40 MINUTES 59 SECONDS EAST, ALONG THE SOUTH
21 LINE OF SAID 20.00 ACRE TRACT, SAME BEING A NORTH LINE OF SAID
22 368.6110 ACRE TRACT, A DISTANCE OF 157.18 FEET TO A 1 INCH PINCH TOP
23 IRON PIPE FOUND FOR AN ELL CORNER OF SAID 368.6110 ACRE TRACT AND
24 THE HEREIN DESCRIBED TRACT;

25 THENCE SOUTH 02 DEGREES 00 MINUTES 44 SECONDS EAST, CONTINUING
26 ALONG THE EAST LINE OF SAID 368.6110 ACRE TRACT, A DISTANCE OF
27 2076.82 FEET TO A 3/8 INCH IRON ROD FOUND BEING THE SOUTHWEST CORNER

S.B. No. 2196

1 OF A CALLED 40.00 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME
2 1546, PAGE 662 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY,
3 TEXAS, BEING IN THE NORTH LINE OF SHIPP FARM ADDITION, ACCORDING TO
4 THE PLAT RECORDED IN VOLUME 1, PAGE 26 OF THE LIBERTY COUNTY MAP
5 RECORDS AND BEING THE SOUTHEAST CORNER OF THE SAID 368.6110 ACRE
6 TRACT AND THE HEREIN DESCRIBED TRACT;

7 THENCE SOUTH 87 DEGREES 00 MINUTES 59 SECONDS WEST, ALONG THE SOUTH
8 LINE OF SAID 368.6110 ACRE TRACT, A DISTANCE OF 3170.40 FEET TO A
9 CONCRETE MONUMENT FOUND BEING THE NORTHWEST CORNER OF A CALLED
10 178.40 ACRE TRACT DESCRIBED IN DEED RECORDED IN FILM CODE NO.
11 2004009912 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS,
12 BEING THE NORTHEAST CORNER OF A CALLED 64.6488 ACRE TRACT DESCRIBED
13 IN DEED RECORDED IN VOLUME 1587, PAGE 161 OF THE OFFICIAL PUBLIC
14 RECORDS OF LIBERTY COUNTY, TEXAS, FOR AN ANGLE POINT IN THE SOUTH
15 LINE OF SAID 368.6110 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

16 THENCE NORTH 63 DEGREES 13 MINUTES 49 SECONDS WEST, ALONG THE
17 SOUTHWEST LINE OF SAID 368.6110 ACRE TRACT, SAME BEING THE
18 NORTHEAST LINE OF SAID 64.6488 ACRE TRACT, A DISTANCE OF 501.02 FEET
19 TO A POINT FOR CORNER BEING THE SOUTHEAST CORNER OF A CALLED 77.9174
20 ACRE TRACT DESCRIBED IN DEED RECORDED IN FILM CODE NO. 20040015473
21 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS, AND BEING
22 THE SOUTHWEST CORNER OF SAID 368.6110 ACRE TRACT AND THE HEREIN
23 DESCRIBED TRACT, FROM WHICH A FOUND FENCE CORNER POST BEARS SOUTH 45
24 DEGREES 26 MINUTES EAST, A DISTANCE OF 2.03 FEET;

25 THENCE NORTH 00 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE WEST
26 LINE OF SAID 368.6110 ACRE TRACT, SAME BEING THE EAST LINE OF SAID
27 77.1974 ACRE TRACT, A DISTANCE OF 3732.73 FEET TO A 5/8 INCH CAPPED

1 IRON ROD STAMPED "SOUTH TEXAS SURVEYING" SET FOR CORNER SAID POINT
2 IN THE EAST LINE OF SAID 77.1974, 368.6110 ACRE TRACTS AND THE
3 SOUTHWEST CORNER OF A SAVE AND EXCEPT 0.9827 ACER TRACT;
4 THENCE NORTH 65 DEGREES 53 MINUTES 11 SECONDS EAST, OVER AND ACROSS
5 THE SAID 368.6110 ACRE TRACT, SAME BEING THE SOUTH LINE OF SAID
6 0.9827 ACRE TRACT, A DISTANCE OF 277.78 FEET TO A 5/8 INCH CAPPED
7 IRON ROD STAMPED "SOUTH TEXAS SURVEYING" SET FOR CORNER;
8 THENCE NORTH 22 DEGREES 19 MINUTES 58 SECONDS WEST, OVER AND ACROSS
9 THE SAID 368.6110 ACRE TRACT, SAME BEING THE EAST LINE OF SAID
10 0.9827 ACRE TRACT, A DISTANCE OF 172.48 FEET TO A 5/8 INCH CAPPED
11 IRON ROD STAMPED "SOUTH TEXAS SURVEYING" SET IN THE SOUTH
12 RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 105 AND BEING THE SOUTHWEST
13 CORNER OF SAID 8.1476 ACRE TRACT AND THE NORTHWEST CORNER OF THE
14 HEREIN DESCRIBED TRACT;
15 THENCE NORTH 67 DEGREES 46 MINUTES 10 SECONDS EAST, ALONG THE SOUTH
16 LINE OF SID 8.1476 ACRE TRACT BEING THE SOUTH RIGHT-OF-WAY LINE OF
17 STATE HIGHWAY NO. 105, A DISTANCE OF 1168.84 FEET TO A FOUND TX DOT
18 MONUMENT AT THE BEGINNING OF A CURVE TO THE RIGHT IN THE NORTH LINE
19 OF THE HEREIN DESCRIBED TRACT;
20 THENCE IN A NORTHEASTERLY DIRECTION CONTINUING ALONG THE SOUTH LINE
21 OF SAID 8.1476 ACRE TRACT BEING THE SOUTH RIGHT-OF-WAY LINE OF STATE
22 HIGHWAY NO. 105, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF
23 3208.83 FEET, A CENTRAL ANGLE OF 14 DEGREES 58 MINUTES 29 SECONDS, A
24 CHORD BEARING NORTH 75 DEGREES 05 MINUTES 30 SECONDS EAST, A CHORD
25 DISTANCE OF 836.27 FEET AND AN ARC LENGTH OF 838.65 FEET TO A FOUND
26 TX DOT MONUMENT AT THE END OF SAID CURVE IN THE NORTH LINE OF THE
27 HEREIN DESCRIBED TRACT;

1 THENCE NORTH 82 DEGREES 24 MINUTES 50 SECOND EAST, CONTINUING ALONG
2 THE SOUTH LINE OF SAID 8.1476 ACRE TRACT BEING THE SOUTH
3 RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 105, A DISTANCE OF 594.81
4 FEET TO A FOUND TX DOT MONUMENT AT THE BEGINNING OF A CURVE TO THE
5 LEFT IN THE NORTH LINE OF THE HEREIN DESCRIBED TRACT;
6 THENCE IN A NORTHEASTERLY DIRECTION CONTINUING ALONG THE SOUTH LINE
7 OF SAID 8.1476 ACRE TRACT BEING THE SOUTH RIGHT-OF-WAY LINE OF STATE
8 HIGHWAY NO. 105, BEING A CURVE TO THE LEFT HAVING A RADIUS OF 853.02
9 FEET, A CENTRAL ANGLE OF 26 DEGREES 02 MINUTES 42 SECONDS, A CHORD
10 BEARING NORTH 69 DEGREES 23 MINUTES 28 SECONDS EAST, A CHORD
11 DISTANCE OF 384.43 FEET AND AN ARC LENGTH OF 387.76 FEET TO A FOUND
12 TX DOT MONUMENT AT A POINT OF COMPOUND CURVATURE IN THE NORTH LINE
13 OF THE HEREIN DESCRIBED TRACT;
14 THENCE IN A NORTHEASTERLY DIRECTION CONTINUING ALONG THE SOUTH LINE
15 OF SAID 8.1476 ACRE TRACT BEING THE SOUTH RIGHT-OF-WAY LINE OF STATE
16 HIGHWAY NO. 105, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF
17 4068.23 FEET, A CENTRAL ANGLE OF 01 DEGREES 39 MINUTES 42 SECONDS, A
18 CHORD BEARING NORTH 85 DEGREES 11 MINUTES 36 SECONDS EAST, A CHORD
19 DISTANCE OF 117.97 FEET AND AN ARC LENGTH OF 117.98 FEET TO THE
20 POINT OF BEGINNING AND CONTAINING 359.4174 ACRES (15,656,223 SQUARE
21 FEET) OF LAND, MORE OR LESS.

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

1 Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and Act to the Texas Commission on
4 Environmental Quality.

5 (c) The Texas Commission on Environmental Quality has filed
6 its recommendations relating to this Act with the governor, the
7 lieutenant governor, and the speaker of the house of
8 representatives within the required time.

9 (d) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act are fulfilled
12 and accomplished.

13 SECTION 4. (a) Section 7905A.0308, Special District Local
14 Laws Code, as added by Section 1 of this Act, takes effect only if
15 this Act receives a two-thirds vote of all the members elected to
16 each house.

17 (b) If this Act does not receive a two-thirds vote of all the
18 members elected to each house, Subchapter C, Chapter 7905A, Special
19 District Local Laws Code, as added by Section 1 of this Act, is
20 amended by adding Section 7905A.0308 to read as follows:

21 Sec. 7905A.0308. NO EMINENT DOMAIN POWER. The district may
22 not exercise the power of eminent domain.

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

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 2196

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.