

1-1 By: Kacal (Senate Sponsor - Kolkhorst) H.B. No. 5366
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on Local
 1-4 Government; May 10, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez	X			
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Grimes County Municipal Utility
 1-20 District No. 3; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7878A to read as follows:

1-26 CHAPTER 7878A. GRIMES COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7878A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.

1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Grimes County Municipal
 1-34 Utility District No. 3.

1-35 Sec. 7878A.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 7878A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7878A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7878A.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district as required by
 1-48 applicable law.

1-49 Sec. 7878A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a municipal utility district as provided by
 1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 7878A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
 2-2 field notes or in copying the field notes in the legislative process
 2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes
 2-6 for which the district is created or to pay the principal of and
 2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 7878A.0201. GOVERNING BODY; TERMS. (a) The district
 2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7878A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 7878A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-16 effective date of the Act enacting this chapter, the owner or owners
 2-17 of a majority of the assessed value of the real property in the
 2-18 district may submit a petition to the commission requesting that
 2-19 the commission appoint as temporary directors the five persons
 2-20 named in the petition. The commission shall appoint as temporary
 2-21 directors the five persons named in the petition.

2-22 (b) Temporary directors serve until the earlier of:

2-23 (1) the date permanent directors are elected under
 2-24 Section 7878A.0103; or

2-25 (2) the fourth anniversary of the effective date of
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
 2-28 Section 7878A.0103 and the terms of the temporary directors have
 2-29 expired, successor temporary directors shall be appointed or
 2-30 reappointed as provided by Subsection (d) to serve terms that
 2-31 expire on the earlier of:

2-32 (1) the date permanent directors are elected under
 2-33 Section 7878A.0103; or

2-34 (2) the fourth anniversary of the date of the
 2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a
 2-37 majority of the assessed value of the real property in the district
 2-38 may submit a petition to the commission requesting that the
 2-39 commission appoint as successor temporary directors the five
 2-40 persons named in the petition. The commission shall appoint as
 2-41 successor temporary directors the five persons named in the
 2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 7878A.0301. GENERAL POWERS AND DUTIES. The district
 2-45 has the powers and duties necessary to accomplish the purposes for
 2-46 which the district is created.

2-47 Sec. 7878A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-48 DUTIES. The district has the powers and duties provided by the
 2-49 general law of this state, including Chapters 49 and 54, Water Code,
 2-50 applicable to municipal utility districts created under Section 59,
 2-51 Article XVI, Texas Constitution.

2-52 Sec. 7878A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-53 Section 52, Article III, Texas Constitution, the district may
 2-54 design, acquire, construct, finance, issue bonds for, improve,
 2-55 operate, maintain, and convey to this state, a county, or a
 2-56 municipality for operation and maintenance macadamized, graveled,
 2-57 or paved roads, or improvements, including storm drainage, in aid
 2-58 of those roads.

2-59 Sec. 7878A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-60 road project must meet all applicable construction standards,
 2-61 zoning and subdivision requirements, and regulations of each
 2-62 municipality in whose corporate limits or extraterritorial
 2-63 jurisdiction the road project is located.

2-64 (b) If a road project is not located in the corporate limits
 2-65 or extraterritorial jurisdiction of a municipality, the road
 2-66 project must meet all applicable construction standards,
 2-67 subdivision requirements, and regulations of each county in which
 2-68 the road project is located.

2-69 (c) If the state will maintain and operate the road, the

3-1 Texas Transportation Commission must approve the plans and
 3-2 specifications of the road project.
 3-3 Sec. 7878A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-4 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-5 applicable requirements of any ordinance or resolution that is
 3-6 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-7 consents to the creation of the district or to the inclusion of land
 3-8 in the district.
 3-9 Sec. 7878A.0306. DIVISION OF DISTRICT. (a) The board, on
 3-10 its own motion or on receipt of a petition signed by the owner or
 3-11 owners of a majority of the assessed value of the real property in
 3-12 the district, may adopt an order dividing the district.
 3-13 (b) An order dividing a district may create one or more new
 3-14 districts and may provide for the continuation of the district.
 3-15 (c) An order dividing the district must:
 3-16 (1) name any new district;
 3-17 (2) include the metes and bounds description of the
 3-18 territory of each of the districts;
 3-19 (3) appoint temporary directors for any new district;
 3-20 and
 3-21 (4) provide for the division of assets and liabilities
 3-22 between the districts.
 3-23 (d) The board may adopt an order dividing the district
 3-24 before or after the date the board holds an election under Section
 3-25 7878A.0103 to confirm the district's creation.
 3-26 (e) The district may be divided only if the district:
 3-27 (1) has never issued any bonds; and
 3-28 (2) is not imposing ad valorem taxes.
 3-29 (f) A new district created by the division of the district
 3-30 may not, at the time the new district is created, contain any land
 3-31 outside the area described by Section 2 of the Act enacting this
 3-32 chapter.
 3-33 (g) On or before the 30th day after the date of adoption of
 3-34 an order dividing the district, the district shall file the order
 3-35 with the commission and record the order in the real property
 3-36 records of each county in which the district is located.
 3-37 (h) This chapter applies to any new district created by
 3-38 division of the district, and a new district has all the powers and
 3-39 duties of the district.
 3-40 (i) A new district created by the division of the district
 3-41 shall hold a confirmation and directors' election as required by
 3-42 Section 7878A.0103.
 3-43 (j) If the creation of the new district is confirmed, the
 3-44 new district shall provide the election date and results to the
 3-45 commission.
 3-46 (k) A new district created by the division of the district
 3-47 must hold an election as required by this chapter to obtain voter
 3-48 approval before the district may impose a maintenance tax or issue
 3-49 bonds payable wholly or partly from ad valorem taxes.
 3-50 (l) The district may rely on confirmation, directors',
 3-51 bond, or tax elections held prior to the division of the district.
 3-52 (m) Municipal consent to the creation of the district and to
 3-53 the inclusion of land in the district granted under Section
 3-54 7878A.0104 acts as municipal consent to the creation of any new
 3-55 district created by the division of the district and to the
 3-56 inclusion of land in the new district.
 3-57 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 3-58 Sec. 7878A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-59 The district may issue, without an election, bonds and other
 3-60 obligations secured by:
 3-61 (1) revenue other than ad valorem taxes; or
 3-62 (2) contract payments described by Section
 3-63 7878A.0403.
 3-64 (b) The district must hold an election in the manner
 3-65 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-66 before the district may impose an ad valorem tax or issue bonds
 3-67 payable from ad valorem taxes.
 3-68 (c) The district may not issue bonds payable from ad valorem
 3-69 taxes to finance a road project unless the issuance is approved by a

4-1 vote of a two-thirds majority of the district voters voting at an
 4-2 election held for that purpose.

4-3 Sec. 7878A.0402. OPERATION AND MAINTENANCE TAX. (a) If
 4-4 authorized at an election held under Section 7878A.0401, the
 4-5 district may impose an operation and maintenance tax on taxable
 4-6 property in the district in accordance with Section 49.107, Water
 4-7 Code.

4-8 (b) The board shall determine the tax rate. The rate may not
 4-9 exceed the rate approved at the election.

4-10 Sec. 7878A.0403. CONTRACT TAXES. (a) In accordance with
 4-11 Section 49.108, Water Code, the district may impose a tax other than
 4-12 an operation and maintenance tax and use the revenue derived from
 4-13 the tax to make payments under a contract after the provisions of
 4-14 the contract have been approved by a majority of the district voters
 4-15 voting at an election held for that purpose.

4-16 (b) A contract approved by the district voters may contain a
 4-17 provision stating that the contract may be modified or amended by
 4-18 the board without further voter approval.

4-19 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-20 Sec. 7878A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-21 OBLIGATIONS. The district may issue bonds or other obligations
 4-22 payable wholly or partly from ad valorem taxes, impact fees,
 4-23 revenue, contract payments, grants, or other district money, or any
 4-24 combination of those sources, to pay for any authorized district
 4-25 purpose.

4-26 Sec. 7878A.0502. TAXES FOR BONDS. At the time the district
 4-27 issues bonds payable wholly or partly from ad valorem taxes, the
 4-28 board shall provide for the annual imposition of a continuing
 4-29 direct ad valorem tax, without limit as to rate or amount, while all
 4-30 or part of the bonds are outstanding as required and in the manner
 4-31 provided by Sections 54.601 and 54.602, Water Code.

4-32 Sec. 7878A.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-33 issuance, the total principal amount of bonds or other obligations
 4-34 issued or incurred to finance road projects and payable from ad
 4-35 valorem taxes may not exceed one-fourth of the assessed value of the
 4-36 real property in the district.

4-37 SECTION 2. The Grimes County Municipal Utility District
 4-38 No. 3 initially includes all the territory contained in the
 4-39 following area:

4-40 Tract 1: 538.64 acres

4-41 Being a tract of land containing 557.61 acres (24,289,539
 4-42 square feet), located in the Blake Brantley Survey, A-104, the Gwyn
 4-43 Morrison Survey, A-357, the Edley Montgomery Survey, A-355, the
 4-44 Samuel New Survey, A-365, the Thomas Corner Survey, A-155, the
 4-45 William R. Wheelis Survey, A-481, the E.T. Estis Survey, A-194, the
 4-46 William R. Wheelis Survey, A-480, and the Thomas Corner Survey,
 4-47 A-167 in Grimes County, Texas; Said 557.61 acre tract being out of
 4-48 portion of the remainder of a called 127.86 acre tract, recorded in
 4-49 the name of SH 249 Development IV, LLC, under Grimes County Deed
 4-50 Record (G.C.D.R.) Vol. 1727, Pg. 349, and a portion of the remainder
 4-51 of a called 111.64 acre tract, recorded in the name of SH 249
 4-52 Development III, LLC, under G.C.D.R. Vol. 1727, Pg. 331, and a
 4-53 portion of the remainder of a called 99.58 acre tract, recorded in
 4-54 the name of SH 249 Development II, LLC, under G.C.D.R. Vol. 1727,
 4-55 Pg. 337, and a portion of the remainder of a called 98.65 acre
 4-56 tract, recorded in the name of SH 249 Development I, LLC, under
 4-57 G.C.D.R. Vol. 1727, Pg. 343, the remainder of a called 200 acre
 4-58 tract, recorded in the name of Marilyn Joyce Fuchs Knighten, under
 4-59 G.C.D.R. Vol. 654, Pg. 471, a called 27.26 acre tract, recorded in
 4-60 the name of Marilyn Joyce Fuchs Knighten, under Grimes County
 4-61 Clerk's File (G.C.C.F.) No. 2022-326157, a called 99.95 acre Tract
 4-62 1, recorded in the name of Robert E. Fuchs, Jr., under G.C.D.R. Vol.
 4-63 1539, Pg. 785, a called 99.95 acre Tract 2, recorded in the name of
 4-64 Virginia Lynne Fuchs Winn, (N/K/A Virginia Lynne (Fuchs) Gantt,
 4-65 under G.C.D.R. Vol. 1539, Pg. 777, a called 8.467 acre tract,
 4-66 recorded in the name of Betty F. Swonke Fuchs (per Grimes County
 4-67 CAD) being a portion of said 99.95 acre Tract 2; said 557.61 acre
 4-68 tract being more particularly described by metes and bounds as
 4-69 follows (bearings based on the Texas Coordinate system of 1983,

5-1 Central Zone, per TxDOT Right-Of-Way (R.O.W.) Plans for SH 249.):

5-2 BEGINNING at the southeast corner of said 27.26 acre tract,
5-3 the northeast corner of said 99.95 acre Tract 1, said point being on
5-4 the west R.O.W. of FM 1774 (100' wide per TxDOT R.O.W. Plans for
5-5 Project C-1400-2-1 dated May 1954);

5-6 THENCE, with the line common to said 99.95 acre Tract 1, said
5-7 99.95acre Tract 2, said 8.467 acre tract, and said FM 1774 R.O.W.,
5-8 the following two (2) courses:

5-9 1. South 07 degrees 41 minutes 42 seconds East, a distance
5-10 of 961.76 feet to the southeast corner of said 99.95 acre Tract 1,
5-11 and the northeast corner of said 99.95acre Tract 2, and an angle
5-12 point;

5-13 2. South 07 degrees 45 minutes 38 seconds East, a distance
5-14 of 591.53 feet to the southeast corner of said 8.467 acre tract, and
5-15 the northeast corner of a called 22 acre tract recorded in the name
5-16 of Cobalt 201, Ltd., under G.C.C.F. No. 2020-306609, and an angle
5-17 point;

5-18 THENCE, along the line common to said 99.95 acre Tract 2, said
5-19 8.467 acre tract, said 22 acre tract, a called 15.87 acre tract
5-20 recorded in the name Marcus and Joyce Stewart, under G.C.D.R. Vol.
5-21 1352, Pg. 636, and a called 17.00 acre tract recorded in the name
5-22 Marcus and Joyce Stewart, under G.C.D.R. Vol. 1352, Pg. 648, a
5-23 called 28.00 acre Tract B recorded in the name if Robert Earl Fuchs
5-24 and Marilyn Joyce Fuchs Knighten, under G.C.D.R. Vol. 1445, Pg. 492
5-25 and G.C.D.R. Vol. 304, Pg. 763, a called 12.5 acre tract (Second
5-26 Tract) recorded in the name of Ruth Carraway Hughey, under G.C.D.R.
5-27 Vol. 301, Pg. 151, a called 9.97 acre tract recorded in the name of
5-28 Lucille Carraway Glass, under G.C.D.R. Vol. 1218, Pg. 374, the
5-29 remainder of a called 40 acre tract recorded in the name of Lucille
5-30 Carraway Glass, under G.C.D.R. Vol. 301, Pg. 158, and a called
5-31 7.3418 acre tract recorded in the name of Alfred H. Jackson, under
5-32 G.C.D.R. Vol. 650, Pg. 483, the following seven (7) courses:

5-33 1. South 88 degrees 04 minutes 02 seconds West, a distance
5-34 of 1890.70 feet to an angle point;

5-35 2. South 02 degrees 14 minutes 33 seconds East, a distance
5-36 of 1242.08 feet to an angle point;

5-37 3. South 86 degrees 01 minutes 01 seconds West, a distance
5-38 of 37.37 feet to an angle point;

5-39 4. South 03 degrees 49 minutes 48 seconds East, a distance
5-40 of 994.17 feet to an angle point;

5-41 5. South 86 degrees 10 minutes 12 seconds West, a distance
5-42 of 1229.80 feet to an angle point;

5-43 6. North 03 degrees 39 minutes 33 seconds West, a distance
5-44 of 135.56 feet to an angle point;

5-45 7. South 85 degrees 46 minutes 43 seconds West, a distance
5-46 of 388.83 feet to the most westerly southwest corner of said 99.95
5-47 acre Tract 2, and the northwest corner of said 7.3418 acre tract,
5-48 and being on the easterly line of a 125' wide Union Pacific Railroad
5-49 (U.P.RR.) R.O.W., and an angle point;

5-50 THENCE, along the line common to said 99.95 acre Tract 2, said
5-51 99.95 acre Tract 1, said remainder of a 200 acre tract, said portion
5-52 of the remainder of a 127.86 acre tract, and said U.P.RR. R.O.W.,
5-53 the following fifteen (15) courses:

5-54 1. North 16 degrees 59 minutes 29 seconds West, a distance
5-55 of 1002.65 feet to the beginning of a curve to the left;

5-56 2. 656.46 feet along the arc of said curve to the left having
5-57 a radius of 2686.60 feet, a central angle of 14 degrees 00 minutes
5-58 00 seconds and a chord that bears North 23 degrees 59 minutes 29
5-59 seconds West, a distance of 654.83 feet to an angle point;

5-60 3. North 30 degrees 59 minutes 32 seconds West, a distance
5-61 of 449.44 feet to an angle point;

5-62 4. North 31 degrees 02 minutes 01 seconds West, a distance
5-63 of 1604.20 feet to an angle point;

5-64 5. North 30 degrees 59 minutes 47 seconds West, a distance
5-65 of 1888.14 feet to an angle point;

5-66 6. North 29 degrees 43 minutes 53 seconds West, a distance
5-67 of 40.44 feet to an angle point;

5-68 7. North 27 degrees 56 minutes 18 seconds West, a distance
5-69 of 97.89 feet to an angle point;

6-1 8. North 25 degrees 41 minutes 00 seconds West, a distance
6-2 of 98.52 feet to an angle point;
6-3 9. North 22 degrees 51 minutes 54 seconds West, a distance
6-4 of 98.39 feet to an angle point;
6-5 10. North 20 degrees 04 minutes 20 seconds West, a distance
6-6 of 98.32 feet to an angle point;
6-7 11. North 17 degrees 22 minutes 53 seconds West, a distance
6-8 of 98.19 feet to an angle point;
6-9 12. North 15 degrees 04 minutes 56 seconds West, a distance
6-10 of 98.69 feet to an angle point;
6-11 13. North 13 degrees 43 minutes 23 seconds West, a distance
6-12 of 98.15 feet to an angle point;
6-13 14. North 12 degrees 56 minutes 31 seconds West, a distance
6-14 of 54.81 feet to an angle point;
6-15 15. North 12 degrees 46 minutes 28 seconds West, a distance
6-16 of 880.82 feet to the intersection with the south R.O.W. of SH 249
6-17 described as Parcel 340 in Third Amended Notice Of Lis Pendens
6-18 recorded under G.C.C.F. 2019-301340;
6-19 THENCE, along the line common to said south R.O.W. of SH 249
6-20 (Parcel 340), said portion of the remainder of a 127.86 acre tract,
6-21 said portion of the remainder of a 111.64 acre tract, said portion
6-22 of the remainder of a 99.58 acre tract, said portion of the
6-23 remainder of a 98.65 acre tract, said remainder of a 200 acre tract,
6-24 and said 27.26 acre tract, the following fourteen (14) courses:
6-25 1. North 88 degrees 55 minutes 06 seconds East, a distance
6-26 of 922.68 feet to the beginning of a curve to the right;
6-27 2. 450.81 feet along the arc of said curve to the left having
6-28 a radius of 3835.00 feet, a central angle of 06 degrees 44 minutes
6-29 07 seconds and a chord that bears South 71 degrees 53 minutes 23
6-30 seconds East, a distance of 450.55 feet to an angle point;
6-31 3. South 68 degrees 31 minutes 20 seconds East, a distance
6-32 of 574.68 feet to the beginning of a curve to the left;
6-33 4. 104.17 feet along the arc of said curve to the left having
6-34 a radius of 4725.00 feet, a central angle of 01 degrees 15 minutes
6-35 48 seconds and a chord that bears South 69 degrees 09 minutes 14
6-36 seconds East, a distance of 104.17 feet to an angle point;
6-37 5. South 00 degrees 44 minutes 04 seconds West, a distance
6-38 of 27.32 feet to the beginning of a curve to the left;
6-39 6. 579.05 feet along the arc of said curve to the left having
6-40 a radius of 4750.77 feet, a central angle of 06 degrees 59 minutes
6-41 01 seconds and a chord that bears South 73 degrees 23 minutes 13
6-42 seconds East, a distance of 578.69 feet to an angle point;
6-43 7. North 72 degrees 12 minutes 09 seconds East, a distance
6-44 of 50.54 feet to the beginning of a curve to the left;
6-45 8. 540.05 feet along the arc of said curve to the left having
6-46 a radius of 4725.00 feet, a central angle of 06 degrees 32 minutes
6-47 55 seconds and a chord that bears South 80 degrees 40 minutes 44
6-48 seconds East, a distance of 539.76 feet to an angle point;
6-49 9. South 83 degrees 57 minutes 11 seconds East, a distance
6-50 of 1586.77 feet to an angle point;
6-51 10. South 61 degrees 15 minutes 03 seconds East, a distance
6-52 of 64.78 feet to an angle point;
6-53 11. South 83 degrees 57 minutes 11 seconds East, a distance
6-54 of 1245.89 feet to an angle point;
6-55 12. South 45 degrees 34 minutes 53 seconds East, a distance
6-56 of 76.09 feet to an angle point;
6-57 13. South 07 degrees 16 minutes 02 seconds East, a distance
6-58 of 410.48 feet to the north line of said 27.26 acre tract;
6-59 14. North 82 degrees 43 minutes 58 seconds East, a distance
6-60 of 10.00 feet to the northeast corner of said 27.26 acre tract,
6-61 being on said west R.O.W. of FM 1774;
6-62 THENCE, along the line common to said 27.26 acre tract, and
6-63 said west R.O.W. of FM 1774, South 07 degrees 44 minutes 19 seconds
6-64 East, a distance of 1299.80 feet to the POINT OF BEGINNING and
6-65 containing 557.61 acres of land.
6-66 Save and Except the following 18.97 acre tract of land:
6-67 Being a tract of land containing 18.97 acres (826,327 square
6-68 feet), located in the E.T. Estis Survey, A-194 in Grimes County,
6-69 Texas; Said 18.97 acre tract being all of an 11.225 acre tract

7-1 recorded in the name of Joseph Blake Maywald, Jr., under Grimes
 7-2 County Deed Record (G.C.D.R.) Vol. 968, Pg. 415, and all of a 7.752
 7-3 acre tract recorded in the name of Patricia Maywald Bradbury, under
 7-4 G.C.D.R. Vol. 968, Pg. 423; said 18.97 acre tract being more
 7-5 particularly described by metes and bounds as follows; bearings
 7-6 based on the Texas Coordinate system of 1983, Central Zone, per
 7-7 TxDOT Right-Of-Way (R.O.W.) Plans for SH 249.):

7-8 COMMENCING at the southeast corner of a called 27.26 acre
 7-9 tract, recorded in the name of Marilyn Joyce Fuchs Knighten, under
 7-10 Grimes County Clerk's File (G.C.C.F.) No. 2022-326157, the
 7-11 northeast corner of a called 99.95 acre Tract 1 recorded, in the
 7-12 name of Robert E. Fuchs, under G.C.D.R. Vol. 1539, Pg. 785, said
 7-13 point being on the west R.O.W. of FM 1774 (100' wide per TxDOT
 7-14 R.O.W. Plans for Project C-1400-2-1 dated May 1954);

7-15 THENCE, along the line common to said 27.26 acre tract, and
 7-16 said 99.95 acre Tract 1, South 84 degrees 08 minutes 27 seconds
 7-17 West, a distance of 917.54 feet to the most southerly southeast
 7-18 corner of a called 200 acre tract, recorded in the name of Marilyn
 7-19 Joyce Fuchs Knighten, under G.C.D.R. Vol. 654, Pg. 471;

7-20 THENCE, through and across said 99.95 acre Tract 1, South 06
 7-21 degrees 17 minutes 47 seconds East, a distance of 207.49 feet to the
 7-22 northeast corner of said 7.752 acre tract, and the POINT OF
 7-23 BEGINNING;

7-24 THENCE, along the line common to said 7.752 acre tract, said
 7-25 11.225 acre tract, and said 99.95 acre Tract 1, the following four
 7-26 (4) courses:

7-27 1. South 06 degrees 17 minutes 47 seconds East, a distance
 7-28 of 633.09 feet to the southeast corner of said 7.752 acre tract, and
 7-29 an angle point;

7-30 2. South 86 degrees 27 minutes 13 seconds West, a distance
 7-31 of 1320.97 feet to the southwest corner of said 11.225 acre tract,
 7-32 and an angle point;

7-33 3. North 03 degrees 30 minutes 34 seconds West, a distance
 7-34 of 633.49 feet to the northwest corner of said 11.225 acre tract,
 7-35 and an angle point;

7-36 4. North 86 degrees 30 minutes 13 seconds East, a distance
 7-37 of 1290.19 feet, to the POINT OF BEGINNING and containing 18.97
 7-38 acres of land.

7-39 TRACT 2: 313.79 acres

7-40 Being a tract of land containing 313.79 acres (13,668,645
 7-41 square feet), located in the Blake Brantley Survey, A-104, the Gwyn
 7-42 Morrison Survey, A-357, the Edley Montgomery Survey, A-355, in
 7-43 Grimes County, Texas; Said 313.79 acre tract being out of portion of
 7-44 the remainder of a called 127.86 acre tract, recorded in the name of
 7-45 SH 249 Development IV, LLC, under Grimes County Deed Record
 7-46 (G.C.D.R.) Vol. 1727, Pg. 349, and a portion of the remainder of a
 7-47 called 111.64 acre tract, recorded in the name of SH 249 Development
 7-48 III, LLC, under G.C.D.R. Vol. 1727, Pg. 331, and a portion of the
 7-49 remainder of a called 99.58 acre tract, recorded in the name of SH
 7-50 249 Development II, LLC, under G.C.D.R. Vol. 1727, Pg. 337, and a
 7-51 portion of the remainder of a called 98.65 acre tract, recorded in
 7-52 the name of SH 249 Development I, LLC, under G.C.D.R. Vol. 1727, Pg.
 7-53 343, the remainder of a called 15.54 acre tract, recorded in the
 7-54 name of Marilyn J. Knighten, Et. Al., under Grimes County Clerk's
 7-55 File (G.C.C.F.) No. 2022-326155, a called 13.82 acre tract being a
 7-56 portion of the remainder of a called 1196.3 acre tract recorded in
 7-57 the name of Marilyn Joyce Fuchs Knighten, under G.C.D.R. Vol. 227,
 7-58 Pg. 177, and a portion of a Save & Except Tract recorded in G.C.D.R.
 7-59 Vol. 654, Pg. 471, and a called 14.33 acre tract recorded in the
 7-60 name of Marilyn J. Knighten, Et. Al., under G.C.C.F.
 7-61 No. 2022-326156; said 313.79 acre tract being more particularly
 7-62 described by metes and bounds as follows (bearings based on the
 7-63 Texas Coordinate system of 1983, Central Zone, per TxDOT
 7-64 Right-Of-Way (R.O.W.) Plans for SH 249.):

7-65 BEGINNING at the northeast corner of said 98.65 acre tract,
 7-66 and the northwest corner of a called 118.18 acre tract, recorded in
 7-67 the name of Abdul Aziz Al-Herqan, under G.C.D.R. Vol. 468, Pg. 358;

7-68 THENCE, with the line common to said 98.65 acre tract, said
 7-69 118.18 acre tract, said 15.54 acre tract, said 13.82 acre tract,

8-1 said remainder of a called 1196.3 acre tract, and said 14.33 acre
8-2 tract, the following five (5) courses:

8-3 1. South 04 degrees 13 minutes 17 seconds East, a distance
8-4 of 2894.79 feet to the southwest corner of said 118.18 acre tract,
8-5 and the northwest corner of said 15.54 acre tract, and an angle
8-6 point;

8-7 2. North 87 degrees 26 minutes 05 seconds East, a distance
8-8 of 1654.01 feet to an angle point;

8-9 3. South 86 degrees 27 minutes 55 seconds East, a distance
8-10 of 135.00 feet to an angle point;

8-11 4. South 68 degrees 12 minutes 55 seconds East, a distance
8-12 of 100.50 feet to an angle point;

8-13 5. South 58 degrees 45 minutes 55 seconds East, a distance
8-14 of 307.70 feet to the west Right-Of-Way (R.O.W.) of FM 1774 (100'
8-15 wide per TxDOT R.O.W. Plans for Project C-1400-2-1 dated May 1954),
8-16 and an angle point;

8-17 THENCE, along the line common to said 14.33 acre tract, and
8-18 said west R.O.W. of FM 1774, the following two (2) courses:

8-19 1. South 00 degrees 09 minutes 55 seconds East, a distance
8-20 of 256.75 feet to an angle point;

8-21 2. South 01 degrees 34 minutes 37 seconds East, a distance
8-22 of 78.24 feet to the southeast corner of said 14.33 acre tract, and
8-23 the beginning of a No Access line for SH 249 described as Parcel 300
8-24 (Part 1) in an Agreed Final Judgement recorded under G.C.C.F.
8-25 2021-318166, and an angle point;

8-26 THENCE, along the line common to said 14.33 acre tract, said
8-27 remainder of a called 1196.3 acre tract, a portion of said remainder
8-28 of a called 15.54 acre tract, said portion of the remainder of a
8-29 98.65 acre tract, and said No Access line for SH 249, and a portion
8-30 of the No Access line for SH 249 described as Parcel 340 in Third
8-31 Amended Notice Of Lis Pendens recorded under G.C.C.F. 2019-301340,
8-32 the following four (4) courses:

8-33 1. North 86 degrees 58 minutes 40 seconds West, a distance
8-34 of 10.00 feet to the northeast corner of said remainder of a called
8-35 1196.3 acre tract, being the beginning of a non-tangent curve to the
8-36 left;

8-37 2. 353.73 feet along the arc of said curve to the left having
8-38 a radius of 1969.84 feet, a central angle of 10 degrees 17 minutes
8-39 20 seconds and a chord that bears South 02 degrees 07 minutes 12
8-40 seconds East, a distance of 353.26 feet to an angle point;

8-41 3. South 07 degrees 16 minutes 02 seconds East, a distance
8-42 of 39.97 feet to an angle point;

8-43 4. South 44 degrees 25 minutes 07 seconds West, a distance
8-44 of 59.60 feet to the north R.O.W. of SH 249, as described in said
8-45 Parcel 340, and as described in said Parcel 300 (Part 2), and an
8-46 angle point;

8-47 THENCE, along the line common to said north R.O.W. of SH 249,
8-48 as described in said Parcel 340 and as described in said Parcel 300
8-49 (Part 2), said portion of the remainder of a 127.86 acre tract, said
8-50 portion of the remainder of a 111.64 acre tract, said portion of the
8-51 remainder of a 99.58 acre tract, said portion of the remainder of a
8-52 98.65 acre tract, said portion a remainder of a 15.54 acre tract,
8-53 and said remainder of a called 1196.3 acre tract, the following
8-54 eight (8) courses:

8-55 1. North 83 degrees 53 minutes 11 seconds West, a distance
8-56 of 1709.42 feet to an angle point;

8-57 2. South 69 degrees 41 minutes 06 seconds West, a distance
8-58 of 60.78 feet to an angle point;

8-59 3. North 83 degrees 57 minutes 11 seconds West, a distance
8-60 of 1034.30 feet to the beginning of a curve to the right;

8-61 4. 1178.28 feet along the arc of said curve to the left
8-62 having a radius of 4375.00 feet, a central angle of 15 degrees 25
8-63 minutes 51 seconds and a chord that bears North 76 degrees 14
8-64 minutes 16 seconds West, a distance of 1174.72 feet to an angle
8-65 point;

8-66 5. North 68 degrees 31 minutes 20 seconds West, a distance
8-67 of 574.68 feet to the beginning of a curve to the left;

8-68 6. 853.80 feet along the arc of said curve to the left having
8-69 a radius of 4185.00 feet, a central angle of 11 degrees 41 minutes

9-1 21 seconds and a chord that bears North 74 degrees 22 minutes 00
 9-2 seconds West, a distance of 852.32 feet to an angle point;
 9-3 7. North 74 degrees 05 minutes 25 seconds West, a distance
 9-4 of 322.83 feet to an angle point;
 9-5 8. North 80 degrees 03 minutes 54 seconds West, a distance
 9-6 of 492.47 feet to the intersection with the easterly line of a 125'
 9-7 wide Union Pacific Railroad (U.P.RR.) R.O.W., and an angle point;
 9-8 THENCE, along the line common to said U.P.RR. R.O.W., and
 9-9 said portion of the remainder of a 127.86 acre tract, the following
 9-10 eleven (11) courses:
 9-11 1. North 12 degrees 46 minutes 28 seconds West, a distance
 9-12 of 1305.09 feet to an angle point;
 9-13 2. North 12 degrees 54 minutes 02 seconds West, a distance
 9-14 of 57.58 feet to an angle point;
 9-15 3. North 13 degrees 26 minutes 26 seconds West, a distance
 9-16 of 97.28 feet to an angle point;
 9-17 4. North 14 degrees 23 minutes 45 seconds West, a distance
 9-18 of 96.86 feet to an angle point;
 9-19 5. North 15 degrees 50 minutes 20 seconds West, a distance
 9-20 of 98.90 feet to an angle point;
 9-21 6. North 17 degrees 33 minutes 16 seconds West, a distance
 9-22 of 96.98 feet to an angle point;
 9-23 7. North 19 degrees 38 minutes 05 seconds West, a distance
 9-24 of 94.13 feet to an angle point;
 9-25 8. North 22 degrees 01 minutes 54 seconds West, a distance
 9-26 of 101.63 feet to an angle point;
 9-27 9. North 25 degrees 10 minutes 43 seconds West, a distance
 9-28 of 101.28 feet to an angle point;
 9-29 10. North 28 degrees 18 minutes 56 seconds West, a distance
 9-30 of 87.11 feet to an angle point;
 9-31 11. North 29 degrees 44 minutes 22 seconds West, a distance
 9-32 of 58.52 feet to the northeast corner of said 127.86 acre tract,
 9-33 being the southwest corner of a called 61.00 acre tract recorded in
 9-34 the name of Thomas Sanford, under G.C.D.R. Vol. 1445, Pg. 554, and
 9-35 an angle point:
 9-36 THENCE, along the line common to said portion of the
 9-37 remainder of a 127.86 acre tract, said portion of the remainder of a
 9-38 111.64 acre tract, said portion of the remainder of a 99.58 acre
 9-39 tract, said portion of the remainder of a 98.65 acre tract, said
 9-40 61.00 acre tract, and a called 85.52 acre tract recorded in the name
 9-41 of Paul H. Miller and Jennifer H. Miller, under G.C.D.R. Vol. 1385,
 9-42 Pg. 770, the following two (2) courses:
 9-43 1. North 83 degrees 00 minutes 50 seconds East, a distance
 9-44 of 4056.21 feet to an angle point;
 9-45 2. North 85 degrees 31 minutes 22 seconds East, a distance
 9-46 of 313.85 feet to the POINT OF BEGINNING and containing 313.79 acres
 9-47 of land.
 9-48 SECTION 3. (a) The legal notice of the intention to
 9-49 introduce this Act, setting forth the general substance of this
 9-50 Act, has been published as provided by law, and the notice and a
 9-51 copy of this Act have been furnished to all persons, agencies,
 9-52 officials, or entities to which they are required to be furnished
 9-53 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 9-54 Government Code.
 9-55 (b) The governor, one of the required recipients, has
 9-56 submitted the notice and Act to the Texas Commission on
 9-57 Environmental Quality.
 9-58 (c) The Texas Commission on Environmental Quality has filed
 9-59 its recommendations relating to this Act with the governor, the
 9-60 lieutenant governor, and the speaker of the house of
 9-61 representatives within the required time.
 9-62 (d) All requirements of the constitution and laws of this
 9-63 state and the rules and procedures of the legislature with respect
 9-64 to the notice, introduction, and passage of this Act are fulfilled
 9-65 and accomplished.
 9-66 SECTION 4. (a) If this Act does not receive a two-thirds
 9-67 vote of all the members elected to each house, Subchapter C, Chapter
 9-68 7878A, Special District Local Laws Code, as added by Section 1 of
 9-69 this Act, is amended by adding Section 7878A.0307 to read as

10-1 follows:

10-2 Sec. 7878A.0307. NO EMINENT DOMAIN POWER. The district may
10-3 not exercise the power of eminent domain.

10-4 (b) This section is not intended to be an expression of a
10-5 legislative interpretation of the requirements of Section 17(c),
10-6 Article I, Texas Constitution.

10-7 SECTION 5. This Act takes effect immediately if it receives
10-8 a vote of two-thirds of all the members elected to each house, as
10-9 provided by Section 39, Article III, Texas Constitution. If this
10-10 Act does not receive the vote necessary for immediate effect, this
10-11 Act takes effect September 1, 2023.

10-12

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