

1 AN ACT

2 relating to the creation of the Harris-Waller Counties Municipal
3 Utility District No. 9; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7996A to read as follows:

9 CHAPTER 7996A. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT

10 NO. 9

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 7996A.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 Harris-Waller Counties
18 Municipal Utility District No. 9.

19 Sec. 7996A.0102. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 7996A.0103. CONFIRMATION AND DIRECTOR 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. 7996A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7996A.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 as required by
8 general law.

9 Sec. 7996A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

18 Sec. 7996A.0106. INITIAL DISTRICT TERRITORY. (a) The
19 district is initially composed of the territory described by
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

26 (2) right to issue any type of bond for the purposes
27 for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 7996A.0201. GOVERNING BODY; TERMS. (a) The district
6 is governed by a board of five elected directors.

7 (b) Except as provided by Section 7996A.0202, directors
8 serve staggered four-year terms.

9 Sec. 7996A.0202. TEMPORARY DIRECTORS. (a) On or after the
10 effective date of the Act enacting this chapter, the owner or owners
11 of a majority of the assessed value of the real property in the
12 district may submit a petition to the commission requesting that
13 the commission appoint as temporary directors the five persons
14 named in the petition. The commission shall appoint as temporary
15 directors the five persons named in the petition.

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

17 (1) the date permanent directors are elected under
18 Section 7996A.0103; or

19 (2) the fourth anniversary of the effective date of
20 the Act enacting this chapter.

21 (c) If permanent directors have not been elected under
22 Section 7996A.0103 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 7996A.0103; or

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

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

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 7996A.0301. GENERAL POWERS AND DUTIES. The district
12 has the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 7996A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 7996A.0303. AUTHORITY FOR ROAD PROJECTS. Under
20 Section 52, Article III, Texas Constitution, the district may
21 design, acquire, construct, finance, issue bonds for, improve,
22 operate, maintain, and convey to this state, a county, or a
23 municipality for operation and maintenance macadamized, graveled,
24 or paved roads, or improvements, including storm drainage, in aid
25 of those roads.

26 Sec. 7996A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
27 road project must meet all applicable construction standards,

1 zoning and subdivision requirements, and regulations of each
2 municipality in whose corporate limits or extraterritorial
3 jurisdiction the road project is located.

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

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

12 Sec. 7996A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
13 ORDINANCE OR RESOLUTION. The district shall comply with all
14 applicable requirements of any ordinance or resolution that is
15 adopted under Section 54.016 or 54.0165, Water Code, and that
16 consents to the creation of the district or to the inclusion of land
17 in the district.

18 Sec. 7996A.0306. DIVISION OF DISTRICT. (a) The board, on
19 its own motion or on receipt of a petition signed by the owner or
20 owners of a majority of the assessed value of the real property in
21 the district, may adopt an order dividing the district.

22 (b) An order dividing a district may create one or more new
23 districts and may provide for the continuation of the district.

24 (c) An order dividing the district shall:

- 25 (1) name any new district;
26 (2) include the metes and bounds description of the
27 territory of each of the districts;

1 (3) appoint temporary directors for any new district;

2 and

3 (4) provide for the division of assets and liabilities
4 between the districts.

5 (d) The board may adopt an order dividing the district
6 before or after the date the board holds an election to confirm the
7 district's creation.

8 (e) The district may be divided only if the district:

9 (1) has never issued any bonds; and

10 (2) is not imposing ad valorem taxes.

11 (f) A new district created by the division of the district
12 may not, at the time the new district is created, contain any land
13 outside the area described by Section 2 of the Act enacting this
14 chapter.

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

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

22 (i) A new district created by the division of the district
23 shall hold a confirmation and directors' election.

24 (j) If the creation of the new district is confirmed, the
25 new district shall provide the election date and results to the
26 commission.

27 (k) A new district created by the division of the district

1 must hold an election as required by this chapter to obtain voter
2 approval before the district may impose a maintenance tax or issue
3 bonds payable wholly or partly from ad valorem taxes.

4 (1) The district may continue to rely on confirmation,
5 directors', bond, or tax elections held prior to the division.

6 (m) Municipal consent to the creation of the district and to
7 the inclusion of land in the district acts as municipal consent to
8 the creation of any new district created by the division of the
9 district and to the inclusion of land in the new district.

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 7996A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

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

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

15 (2) contract payments described by Section
16 7996A.0403.

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

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

25 Sec. 7996A.0402. OPERATION AND MAINTENANCE TAX. (a) If

26 authorized at an election held under Section 7996A.0401, the
27 district may impose an operation and maintenance tax on taxable

1 property in the district in accordance with Section 49.107, Water
2 Code.

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

5 Sec. 7996A.0403. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

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

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 7996A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, contract payments, grants, or other district money, or any
19 combination of those sources, to pay for any authorized district
20 purpose.

21 Sec. 7996A.0502. TAXES FOR BONDS. At the time the district
22 issues bonds payable wholly or partly from ad valorem taxes, the
23 board shall provide for the annual imposition of a continuing
24 direct ad valorem tax, without limit as to rate or amount, while all
25 or part of the bonds are outstanding as required and in the manner
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 7996A.0503. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations
2 issued or incurred to finance road projects and payable from ad
3 valorem taxes may not exceed one-fourth of the assessed value of the
4 real property in the district.

5 SECTION 2. The Harris-Waller Counties Municipal Utility
6 District No. 9 initially includes all the territory contained in
7 the following area:

8 Being 1,977 acres of land located in the B.B.B. & C. RR. Co.
9 Survey, Abstract No. 171, the Henry Trott Survey, Abstract
10 No. 1589, the B.B.B. & C. RR. Co. Survey, Abstract No. 170, the
11 B.B.B. & C. RR. Co. Survey, Abstract No. 169, and the C.A. Willis
12 Survey, Abstract No. 888, in Harris County, Texas, and in the
13 B.B.B. & C. RR. Co. Survey, Abstract No. 94, the John Tom Survey,
14 Abstract No. 265, the Henry Trott Survey, Abstract No. 267, the
15 C.A. Willis Survey, Abstract No. 276, the Shubal Marsh Survey,
16 Abstract No. 217, and the S. Haddi Survey, Abstract No. 135, in
17 Waller County, Texas; said 1,977 acres being a portion of a called
18 405.431 acre tract of land (Tract 2), all of a called 264.755 acre
19 tract of land (Tract 5), and all of a called 289.8972 acre tract of
20 land (Tract 8) conveyed to Bud Adams Ranches, Inc. in Volume 458,
21 Page 249 of the Deed Records of Harris County (D.R.H.C.), all of a
22 called 20.00 acre tract of land conveyed to Amy Adams Strunk in C.F.
23 No. U924028 of the Official Public Records of Real Property of
24 Harris County (O.P.R.R.P.H.C.), all of a called 8.43 acre tract of
25 land conveyed to Bud Adams Ranches, Inc. in Volume 476, Page 547 of
26 the Deed Records of Waller County (D.R.W.C.), all of a called 50
27 acre tract of land (Tract I), all of a called 72 acre tract of land

1 (Tract II), all of a called 110 acre tract of land (Tract III), all
2 of a called 69-3/4 acre tract of land (Tract IV), all of a called 150
3 acre tract of land (Tract V), and all of a called 106 acre tract of
4 land (Tract VI) conveyed to KSA Industries, Inc in Volume 606, Page
5 493 of the D.R.W.C. and in C.F. No. T455463 of the O.P.R.R.P.H.C., a
6 portion of a called 351 acre tract of land conveyed to Bud Adams
7 Ranches, Inc. in Volume 3595, Page 305 of the D.R.H.C., and all of a
8 called 85.129 acre tract of land conveyed to Bud Adams Ranches, Inc.
9 in Volume 481, Page 657 of the D.R.W.C.; said 1,977 acres being more
10 particularly described in two tracts by metes and bounds as follows
11 (all bearings are referenced to the north line of aforesaid 351 acre
12 tract - S88°30'00"E):

13 Tract One - 726 Acres:

14 Beginning at the southwest corner of said 289.8972 acre tract
15 and the most southerly southeast corner of a called 497.398 acre
16 tract of land conveyed to Robert Humphrey and wife, Paulette
17 Humphrey in C.F. No. V354202 of the O.P.R.R.P.H.C., and being on
18 the northerly right-of-way line of Mayer Road (width varies);

19 Thence, with the common line of said 289.8972 acre tract and
20 said 497.398 acre tract, the following twelve (12) courses:

- 21 1. North 01 degrees 05 minutes 00 seconds West, a distance of
22 1,798.10 feet;
- 23 2. North 45 degrees 27 minutes 00 seconds East, a distance of
24 423.00 feet;
- 25 3. North 58 degrees 11 minutes 00 seconds West, a distance of
26 367.10 feet;
- 27 4. North 01 degrees 05 minutes 00 seconds West, a distance of

- 1 1,202.70 feet;
- 2 5. South 73 degrees 24 minutes 52 seconds East, a distance of
- 3 378.81 feet;
- 4 6. South 77 degrees 48 minutes 49 seconds East, a distance of
- 5 371.24 feet;
- 6 7. South 65 degrees 57 minutes 46 seconds East, a distance of 48.12
- 7 feet;
- 8 8. South 88 degrees 34 minutes 00 seconds East, a distance of
- 9 1,154.00 feet;
- 10 9. North 07 degrees 02 minutes 00 seconds East, a distance of
- 11 141.00 feet;
- 12 10. South 88 degrees 54 minutes 00 seconds East, a distance of
- 13 420.10 feet;
- 14 11. South 07 degrees 02 minutes 00 seconds West, a distance of
- 15 211.00 feet;
- 16 12. South 88 degrees 55 minutes 00 seconds East, a distance of
- 17 984.22 feet to the most easterly southeast corner of said 497.398
- 18 acre tract and an exterior corner of aforesaid 405.431 acre tract;
- 19 13 Thence, with the common line of said 405.431 acre tract and said
- 20 497.398 acre tract, North 01 degrees 17 minutes 00 seconds West, a
- 21 distance of 763.36 feet to the centerline of Spring Creek and being
- 22 on the common Harris and Waller County line;
- 23 Thence, with the common line of said 405.431 acre tract, the
- 24 497.398 acre tract, the centerline of Spring Creek, and said Harris
- 25 and Waller County line, the following twenty two (22) courses:
- 26 14. North 42 degrees 41 minutes 55 seconds West, a distance of
- 27 230.66 feet;

- 1 15. North 04 degrees 43 minutes 00 seconds East, a distance of
2 237.00 feet;
- 3 16. North 05 degrees 47 minutes 00 seconds West, a distance of
4 224.00 feet;
- 5 17. North 13 degrees 43 minutes 00 seconds East, a distance of
6 126.00 feet;
- 7 18. North 58 degrees 13 minutes 00 seconds East, a distance of
8 161.50 feet;
- 9 19. North 50 degrees 47 minutes 00 seconds West, a distance of
10 199.00 feet;
- 11 20. South 83 degrees 28 minutes 00 seconds West, a distance of
12 365.00 feet;
- 13 21. North 86 degrees 17 minutes 00 seconds West, a distance of
14 126.00 feet;
- 15 22. South 40 degrees 13 minutes 00 seconds West, a distance of
16 58.00 feet;
- 17 23. North 73 degrees 17 minutes 00 seconds West, a distance of
18 137.00 feet;
- 19 24. North 29 degrees 58 minutes 00 seconds East, a distance of
20 111.00 feet;
- 21 25. North 56 degrees 17 minutes 00 seconds West, a distance of
22 86.00 feet;
- 23 26. North 32 degrees 32 minutes 00 seconds West, a distance of
24 178.00 feet;
- 25 27. North 15 degrees 17 minutes 00 seconds West, a distance of
26 84.00 feet;
- 27 28. North 07 degrees 43 minutes 00 seconds East, a distance of

1 148.00 feet;
2 29. North 21 degrees 43 minutes 00 seconds East, a distance of
3 230.00 feet;
4 30. North 39 degrees 43 minutes 00 seconds East, a distance of
5 66.00 feet;
6 31. North 26 degrees 43 minutes 00 seconds East, a distance of
7 109.00 feet;
8 32. North 05 degrees 13 minutes 00 seconds East, a distance of
9 145.00 feet;
10 33. North 62 degrees 17 minutes 00 seconds West, a distance of
11 87.00 feet;
12 34. North 42 degrees 32 minutes 00 seconds West, a distance of
13 50.00 feet;
14 35. North 03 degrees 47 minutes 00 seconds West, a distance of
15 119.00 feet to the northwest corner of said 405.431 acre tract, the
16 northeast corner of said 497.398 acre tract, and being on the
17 southerly line of a called 78.0467 acre tract of land conveyed to
18 Triple W Ranch, LLC. in C.F. No. 1408094 of the Official Public
19 Records of Waller County (O.P.R.W.C.);
20 36. Thence, with the common line of said 405.431 acre tract and
21 said 78.0467 acre tract, North 89 degrees 39 minutes 56 seconds
22 East, a distance of 674.87 feet to the southeast corner of said
23 78.0467 acre tract and the southwest corner of aforesaid 8.43 acre
24 tract;
25 37. Thence, with the common line of said 78.0467 acre tract and
26 said 8.43 acre tract, North 00 degrees 03 minutes 28 seconds West, a
27 distance of 502.41 feet to the northwest corner of said 8.43 acre

1 tract and the southwest corner of a called 56.030 acre tract of land
2 conveyed to Triple W Ranch, LLC. in C.F. No. 1800040 of the
3 O.P.R.W.C.;

4 38. Thence, with the common line of said 8.43 acre tract and said
5 56.030 acre tract, North 89 degrees 29 minutes 45 seconds East, a
6 distance of 725.12 feet to the northeast corner of said 8.43 acre
7 tract and the most westerly northwest corner of a called 53.4218
8 acre tract of land conveyed to Triple W Ranch, LLC. in C.F.
9 No. 2011973 of the O.P.R.W.C.;

10 39. Thence, with the easterly line of said 8.43 acre tract, the
11 westerly line of said 53.4218 acre tract, and an easterly line of
12 aforesaid 405.431 acre tract, South 00 degrees 31 minutes 49
13 seconds East, a distance of 1,247.21 feet to the southwest corner of
14 said 53.4218 acre tract and an interior corner of said 405.431 acre
15 tract;

16 40. Thence, with the northerly line of said 405.431 acre tract,
17 the southerly line of said 53.4218 acre tract, and the southerly
18 line of the remainder of a called 78.85 acre tract of land conveyed
19 to AM Ford Holdings, LLC. in C.F. No. 1901151 of the O.P.R.W.C.,
20 North 89 degrees 06 minutes 00 seconds East, a distance of 2,545.00
21 feet to the northeast corner of said 405.431 acre tract, the
22 southeast corner of said remainder tract, and being on the westerly
23 right-of-way line of Fields Store Road (width varies);

24 Thence, with the common easterly line of said 405.431 acre
25 tract and said westerly right-of-way line of Fields Store Road, the
26 following fifteen (15) courses:

27 41. South 00 degrees 13 minutes 00 seconds West, a distance of

- 1 1,432.50 feet;
- 2 42. South 02 degrees 02 minutes 00 seconds East, a distance of
- 3 207.00 feet;
- 4 43. South 01 degrees 47 minutes 00 seconds East, a distance of
- 5 1,553.00 feet;
- 6 44. South 05 degrees 17 minutes 15 seconds East, a distance of
- 7 154.00 feet;
- 8 45. South 13 degrees 26 minutes 20 seconds East, a distance of
- 9 108.49 feet;
- 10 46. South 18 degrees 17 minutes 00 seconds East, a distance of
- 11 76.50 feet;
- 12 47. South 24 degrees 02 minutes 00 seconds East, a distance of
- 13 268.50 feet;
- 14 48. South 14 degrees 32 minutes 00 seconds East, a distance of
- 15 113.30 feet;
- 16 49. South 09 degrees 17 minutes 00 seconds East, a distance of
- 17 105.00 feet;
- 18 50. South 04 degrees 13 minutes 00 seconds West, a distance of
- 19 51.00 feet;
- 20 51. South 08 degrees 13 minutes 00 seconds West, a distance of
- 21 100.00 feet;
- 22 52. South 09 degrees 43 minutes 00 seconds West, a distance of
- 23 226.00 feet;
- 24 53. South 10 degrees 43 minutes 00 seconds West, a distance of
- 25 102.42 feet;
- 26 54. South 00 degrees 21 minutes 46 seconds West, a distance of
- 27 1,052.66 feet

1 55. 451.48 feet along the arc of a curve to the right, said curve
2 having a central angle of 82 degrees 57 minutes 20 seconds, a radius
3 of 311.83 feet and a chord that bears South 41 degrees 50 minutes 26
4 seconds West, a distance of 413.07 feet;

5 56. Thence, with the common southerly line of said 405.431 acre
6 tract, the southerly line of aforesaid 20.00 acre tract, the
7 southerly line of aforesaid 289.8972 acre tract, the northerly
8 right-of-way line of said Fields Store Road, and the northerly
9 right-of-way line of Mayer Road (width varies), North 88 degrees 30
10 minutes 00 seconds West, a distance of 4,954.00 feet;

11 57. Thence, continuing with the common southerly line of said
12 405.531 acre tract and the northerly right-of-way line of said
13 Mayer Road, North 02 degrees 55 minutes 00 seconds West, a distance
14 of 247.50 feet;

15 58. Thence, continuing with said common line, North 87 degrees 13
16 minutes 00 seconds West, a distance of 1,291.09 feet to the Point of
17 Beginning and containing 726 acres of land in Tract One.

18 Tract Two - 1,251 Acres:

19 Beginning at the southwest corner of a aforesaid 351 acre
20 tract, being at the intersection of the northerly right-of-way line
21 of Castle Road (width varies) and the easterly right-of-way line of
22 Fields Store Road (width varies);

23 1. Thence, with the common westerly line of said 351 acre tract and
24 the easterly right-of-way line of Fields Store Road, North 00
25 degrees 05 minutes 41 seconds West, a distance of 5,320.25 feet to
26 the northwest corner of said 351 acre tract, being on the southerly
27 right-of-way line of said Fields Store Road;

1 Thence, with the northerly line of said 351 acre tract, the
2 westerly line of aforesaid 150 acre tract, and the southerly and
3 easterly right-of-way line of said Fields Store Road, the following
4 six (6) courses:

5 2. South 88 degrees 30 minutes 00 seconds East, a distance of
6 2,133.29 feet;

7 3. 542.83 feet along the arc of a curve to the left, said curve
8 having a central angle of 83 degrees 38 minutes 45 seconds, a radius
9 of 371.83 feet and a chord that bears North 42 degrees 11 minutes 08
10 seconds East, a distance of 495.89 feet;

11 4. North 00 degrees 21 minutes 46 seconds East, a distance of
12 897.57 feet;

13 5. 216.58 feet along the arc of a curve to the right, said curve
14 having a central angle of 10 degrees 24 minutes 42 seconds, a radius
15 of 1,191.84 feet and a chord that bears North 05 degrees 34 minutes
16 07 seconds East, a distance of 216.28 feet;

17 6. North 10 degrees 46 minutes 27 seconds East, a distance of
18 300.89 feet;

19 7. 325.47 feet along the arc of a curve to the left, said curve
20 having a central angle of 30 degrees 50 minutes 32 seconds, a radius
21 of 604.63 feet and a chord that bears North 04 degrees 38 minutes 49
22 seconds West, a distance of 321.56 feet to the northwest corner of
23 said 150 acre tract and the southwest corner of a called 38.992 acre
24 tract of land conveyed to Hsiao-Yi Lee, et al, in C.F. No. 1808263
25 of the O.P.R.W.C.;

26 8. Thence, with the common northerly line of said 150 acre tract
27 and the southerly line of said 38.992 acre tract, South 88 degrees

1 46 minutes 28 seconds East, a distance of 1,637.04 feet to the
2 southeast corner of said 38.992 acre tract and the southwest corner
3 of aforesaid 72 acre tract;

4 9. Thence, with the easterly line of said 38.9612 acre tract, the
5 westerly line of said 72 acre tract, the westerly line of aforesaid
6 85.129 acre tract, and the easterly line of a called 13.8691 acre
7 tract of land conveyed to Roy N. Stephenson in C.F. No. 185595 of
8 the O.P.R.W.C., North 00 degrees 16 minutes 56 seconds West, a
9 distance of 2,866.34 feet to the northeast corner of said 13.8691
10 acre tract and the southeast corner of the remainder of a called
11 20.00 acre tract of land conveyed to Alton R. Wilson and wife, Sue
12 Ann Wilson in C.F. No.107959 of the O.P.R.W.C.;

13 10. Thence, with the westerly line of said 85.129 acre tract, the
14 easterly line of said remainder tract, and the easterly line of a
15 called 5.9895 acre tract of land conveyed to Acie Elmo Craig, Jr. in
16 C.F. No.1104368 of the O.P.R.W.C., North 01 degrees 07 minutes 19
17 seconds West, a distance of 937.76 feet to the northeast corner of
18 said 5.985 acre tract and an interior corner of said 85.129 acre
19 tract;

20 11. Thence, with the common southerly line of said 85.129 acre
21 tract and the northerly line of said 5.985 acre tract, North 89
22 degrees 33 minutes 07 seconds West, a distance of 189.64 feet;

23 12. Thence, continuing with said common line, and the northerly
24 line of the remainder of a called 15.000 acre tract conveyed to Acie
25 Elmo Craig, Jr. in C.F. No. 981047 of the O.P.R.W.C., South 89
26 degrees 38 minutes 24 seconds West, a distance of 1,619.91 feet to
27 the northwest corner of said remainder tract, the most northerly

1 southwest corner of said 85.129 acre tract, and being on the
2 easterly right-of-way line of aforesaid Fields Store Road;

3 13. Thence, with the westerly line of said 85.129 acre tract, the
4 westerly line of aforesaid 264.755 acre tract, and the easterly
5 right-of-way line of said Fields Store Road, North 00 degrees 06
6 minutes 36 seconds West, a distance of 1,678.83 feet to the
7 northwest corner of said 264.755 acre tract and the southwest
8 corner of a called 125.00 acre tract of land conveyed to Lawrence
9 Falk in C.F. No.1986149602 of the O.P.R.W.C.;

10 Thence, with the common northerly line of said 264.755 acre
11 tract and the southerly line of said 125.00 acre tract, the
12 following three (3) courses:

13 14. North 89 degrees 20 minutes 08 seconds East, a distance of
14 2,772.50 feet;

15 15. South 26 degrees 39 minutes 52 seconds East, a distance of
16 631.39 feet;

17 16. North 63 degrees 20 minutes 08 seconds East, a distance of
18 2,076.94 feet to the most easterly corner of said 125.00 acre tract,
19 the most northerly corner of said 264.755 acre tract, and being on
20 the westerly line of a tract of land conveyed to Sharon Enid
21 Peterson Clark Oster in C.F. No. 180557 of the O.P.R.W.C.;

22 17. Thence, with the easterly line of said 264.755 acre tract, the
23 westerly line of said Oster Tract, and the westerly line of a tract
24 of land conveyed to Grainger Waller County Land and Cattle, LLC. in
25 C.F. No. 1406891 of the O.P.R.W.C., South 26 degrees 39 minutes 52
26 seconds East, a distance of 420.00 feet;

27 18. Thence, with the common easterly line of said 264.755 acre

1 tract and the westerly line of said Grainger tract, South 63 degrees
2 20 minutes 08 seconds West, a distance of 463.06 feet;

3 19. Thence, continuing with said common line, South 01 degrees 00
4 minutes 08 seconds West, a distance of 4,160.54 feet to the
5 southeast corner of said 264.755 acre tract, the southwest corner
6 of said Grainger tract, and being on the northerly line of a called
7 226.0 acre tract of land conveyed to New Waverly Sound Investments,
8 LLC. in C.F. No. 610668 of the O.P.R.W.C.;

9 20. Thence, with the southerly line of said 264.755 acre tract and
10 the northerly line of said 226.0 acre tract, North 89 degrees 58
11 minutes 52 seconds West, a distance of 37.45 feet to the northeast
12 corner of aforesaid 72 acre tract;

13 21. Thence, with the common easterly line of said 72 acre tract and
14 the westerly line of said 226.0 acre tract, South 00 degrees 18
15 minutes 34 seconds East, a distance of 1,147.71 feet to the
16 southeast corner of said 72 acre tract and an interior corner of
17 said 226.0 acre tract;

18 22. Thence, with the common southerly line of said 72 acre tract
19 and the northerly line of said 226.0 acre tract, South 89 degrees 23
20 minutes 32 seconds West, a distance of 259.50 feet to the northwest
21 corner of said 226.0 acre tract and the northeast corner of
22 aforesaid 150 acre tract;

23 23. Thence, with the common east line of said 150 acre tract and
24 the west line of said 226.0 acre tract, South 00 degrees 05 minutes
25 35 seconds East, a distance of 1,573.65 feet to the southwest corner
26 of said 226.0 acre tract and the southeast corner of said 150 acre
27 tract, being on the northerly line of a called 207.6 acre tract of

1 land (Tract 1) conveyed to Houston Trust Company in C.F.
2 No. 20100434611 of the O.P.R.R.P.H.C.;

3 24. Thence, with the common southerly line of said 150 acre tract
4 and the northerly line of said 207.6 acre tract, North 89 degrees 16
5 minutes 54 seconds West, a distance of 1,074.12 feet to the
6 northwest corner of said 207.6 acre tract and the northeast corner
7 of aforesaid 110 acre tract;

8 25. Thence, with the common easterly line of said 110 acre tract
9 and the westerly line of said 207.6 acre tract, South 01 degrees 02
10 minutes 24 seconds East, a distance of 2,908.63 feet to the
11 southeast corner of said 110 acre tract and an interior corner of
12 said 207.6 acre tract;

13 26. Thence, with the common southerly line of said 110 acre tract
14 and the northerly line of said 207.6 acre tract, North 89 degrees 33
15 minutes 44 seconds West, a distance of 535.02 feet to the northeast
16 corner of aforesaid 50 acre tract;

17 27. Thence, with the easterly line of said 50 acre tract, the
18 easterly line of aforesaid 69-3/4 acre tract, and the westerly line
19 of said 207.6 acre tract, South 00 degrees 34 minutes 29 seconds
20 East, a distance of 2,839.39 feet to the southeast corner of said
21 69-3/4 acre tract, the southwest corner of said 207.6 acre tract,
22 and being on the northerly right-of-way line of aforesaid Castle
23 Road;

24 28. Thence, with the southerly line of said 69-3/4 acre tract, the
25 southerly line of aforesaid 106 acre tract, the southerly line of
26 aforesaid 351 acre tract, and the northerly right-of-way line of
27 said Castle Road, South 89 degrees 58 minutes 09 seconds West, a

1 distance of 5,102.76 feet to the Point of Beginning and containing
2 1,251 acres of land in Tract Two.

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

10 (b) The governor, one of the required recipients, has
11 submitted the notice and Act to the Texas Commission on
12 Environmental Quality.

13 (c) The Texas Commission on Environmental Quality has filed
14 its recommendations relating to this Act with the governor, the
15 lieutenant governor, and the speaker of the house of
16 representatives within the required time.

17 (d) All requirements of the constitution and laws of this
18 state and the rules and procedures of the legislature with respect
19 to the notice, introduction, and passage of this Act are fulfilled
20 and accomplished.

21 SECTION 4. (a) If this Act does not receive a two-thirds
22 vote of all the members elected to each house, Subchapter C, Chapter
23 7996A, Special District Local Laws Code, as added by Section 1 of
24 this Act, is amended by adding Section 7996A.0307 to read as
25 follows:

26 Sec. 7996A.0307. NO EMINENT DOMAIN POWER. The district may
27 not exercise the power of eminent domain.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 5384 was passed by the House on May 9, 2023, by the following vote: Yeas 108, Nays 34, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 5384 was passed by the Senate on May 21, 2023, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor