

AN ACT

relating to the creation of the Harris-Waller Counties Municipal Utility District No. 8; 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 8006A to read as follows:

CHAPTER 8006A. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT

NO. 8

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8006A.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 Harris-Waller Counties Municipal Utility District No. 8.

Sec. 8006A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8006A.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

1 directors as provided by Section 49.102, Water Code.

2 Sec. 8006A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 8006A.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 applicable law.

9 Sec. 8006A.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. 8006A.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. 8006A.0201. GOVERNING BODY; TERMS. (a) The district  
6 is governed by a board of five elected directors.

7 (b) Except as provided by Section 8006A.0202, directors  
8 serve staggered four-year terms.

9 Sec. 8006A.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 8006A.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 8006A.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 8006A.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. 8006A.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. 8006A.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. 8006A.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. 8006A.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. 8006A.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. 8006A.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 no outstanding bonded debt; 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. If the voters of  
24 the new district do not confirm the creation of the new district,  
25 the assets, obligations, territory, and governance of the new  
26 district revert to the original district.

27           (j) If the creation of the new district is confirmed, the

1 new district shall provide the election date and results to the  
2 commission.

3 (k) A 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 (l) The district may continue to rely on confirmation,  
8 directors', bond, or tax elections held prior to the division.

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

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8006A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
15 The district may issue, without an election, bonds and other  
16 obligations secured by:

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

18 (2) contract payments described by Section  
19 8006A.0403.

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

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

1       Sec. 8006A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
2 authorized at an election held under Section 8006A.0401, the  
3 district may impose an operation and maintenance tax on taxable  
4 property in the district in accordance with Section 49.107, Water  
5 Code.

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

8       Sec. 8006A.0403. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

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

17               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18       Sec. 8006A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24       Sec. 8006A.0502. TAXES FOR BONDS. At the time the district  
25 issues bonds payable wholly or partly from ad valorem taxes, the  
26 board shall provide for the annual imposition of a continuing  
27 direct ad valorem tax, without limit as to rate or amount, while all



1 or part of the bonds are outstanding as required and in the manner  
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8006A.0503. BONDS FOR ROAD PROJECTS. At the time of  
4 issuance, the total principal amount of bonds or other obligations  
5 issued or incurred to finance road projects and payable from ad  
6 valorem taxes may not exceed one-fourth of the assessed value of the  
7 real property in the district.

8 SECTION 2. Harris-Waller Counties Municipal Utility  
9 District No. 8 initially includes all the territory contained in  
10 the following area:

11 Tract 1:

12 Being a tract containing 300.183 acres of land located in the J.R.  
13 Garrett Survey, Abstract Number 378, Waller County, Texas, the J.R.  
14 Garrett Survey, Abstract Number 1594, Harris County, Texas and the  
15 W.H. Shaw Survey, Abstract Number 1714, Harris County, Texas. Said  
16 300.183 acres being a portion of a call 575.411 acre tract of land  
17 recorded in the name of Kenneth R. Jasek and Joanna H. Jasek in  
18 Harris County Clerk's File (H.C.C.F.) Number 20070005783. Said  
19 300.183 acres being more particularly described by metes and bounds  
20 as follows (bearings are referenced to the Texas Coordinate System  
21 of 1983, South Central Zone, based on GPS observations):

22 COMMENCING at a 1/2 inch iron pipe found at the southwest corner of  
23 said 575.411 acre tract, the southeast corner of a call 628.479 acre  
24 tract of land recorded in the name of Malladi Reddy in Volume 1366,  
25 Page 688 of the O.P.R.W.C., on the north right-of-way (R.O.W.) line  
26 of F.M. 529 (120-foot wide) and being on the common line between  
27 said J.R. Garrett Survey, A-378 and the H.&T.C. R.R. Company

1 Survey, Section 113, Abstract Number 173, Waller County, Texas;  
2 THENCE, with said north R.O.W. line, North 87 degrees 59 minutes 59  
3 seconds East (call South 89 degrees 52 minutes 51 seconds East), a  
4 distance of 3,905.05 feet to a 5/8 inch capped iron rod stamped "GBI  
5 Partners" set at the POINT OF BEGINNING of the herein described  
6 tract;  
7 THENCE, through and across said 575.411 acre tract, the following  
8 six (6) courses:  
9 1) North 01 degree 56 minutes 25 seconds West, a distance of  
10 1,401.78 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
11 set;  
12 2) South 89 degrees 11 minutes 37 seconds West, a distance of  
13 1,191.65 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
14 set;  
15 3) North 02 degrees 48 minutes 36 seconds West, a distance of  
16 1,456.14 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
17 set;  
18 4) North 42 degrees 21 minutes 49 seconds West, a distance of  
19 717.67 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
20 set;  
21 5) South 88 degrees 18 minutes 44 seconds West, a distance of  
22 972.41 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
23 set;  
24 6) North 77 degrees 09 minutes 13 seconds West, a distance of  
25 1,300.48 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
26 set on the common line between said 575.411 and 628.479 acre tracts  
27 and the aforesaid common line between the J.R. Garrett Survey,

1 A-378 and the H.&T.C. R.R. Company Survey, Section 113;  
2 THENCE, with said common lines, North 01 degree 59 minutes 44  
3 seconds West (call North 00 degrees 07 minutes 20 seconds East), a  
4 distance of 498.53 feet to a 5/8 inch capped iron rod stamped "GBI  
5 Partners" set at the southwesterly corner of a call 57.8006 acre  
6 tract of land recorded in the name of Lawrence A. Jasek, Trustee in  
7 Volume 508, Page 498 of the Official Public Records of Waller County  
8 (O.P.R.W.C.);  
9 THENCE, with the common lines between said 575.411 and 57.8006 acre  
10 tracts, the following two (2) courses:  
11 1) North 88 degrees 00 minutes 16 seconds East (call South 89  
12 degrees 52 minutes 19 seconds East), at 60.00 feet pass a 6 inch  
13 iron pipe and continuing for a total distance of 2,640.14 feet (call  
14 2,640.00 feet) to a 1/2 inch iron pipe found at the southeast corner  
15 of said 57.8006 acre tract;  
16 2) North 01 degree 59 minutes 55 seconds West, a distance of 953.96  
17 feet (call North 00 degrees 06 minutes 58 seconds East, a distance  
18 of 954.04 feet) to a 3/4 inch iron pipe found at the northeast  
19 corner of said 57.8006 acre tract and being on the southerly line of  
20 a call 364.14 acre tract of land recorded in the name of Katy  
21 Prairie Conservancy in Volume 1334, Page 254 of the O.P.R.W.C.,  
22 from which a 1/2 inch iron pipe found at the common corner of said  
23 57.8006 acre tract, said 364.14 acre tract and a call 401.115 acre  
24 tract of land recorded in the name of Charles A. Menke, et al. in  
25 File Number 1700611 of the O.P.R.W.C., and being the common corner  
26 of said J.R. Garrett Survey, said H.&T.C. R.R. Company Survey,  
27 Section 113, the H.&T.C. R.R. Company Survey, Section 117, Abstract

1 Number 199, Waller County, Texas and the J.R. Garrett Survey,  
2 Abstract Number 377, Waller County, Texas bears South 87 degrees 59  
3 minutes 57 seconds West, a distance of 2,640.09 feet;  
4 THENCE, with the south lines of said 364.14 acre tract and a call  
5 503.250 acre tract of land recorded in the name of Xu Qing, LLC in  
6 H.C.C.F. Number RP-2018-130319, North 87 degrees 52 minutes 17  
7 seconds East, a distance of 2,644.89 feet (call North 89 degrees 59  
8 minutes 16 seconds East, a distance of 2,645.05 feet) to a 1/2 inch  
9 iron pipe found at an interior corner of said 503.250 acre tract and  
10 being on the terminus of Longenbaugh Road (80-foot wide);  
11 THENCE, with said terminus and the westerly lines of a call 274.704  
12 acre tract of land, styled as Parcel 6, recorded in the name of Xu  
13 Qing, LLC in H.C.C.F. Number RP-2018-130319 and a call 16.478 acre  
14 tract of land recorded in the name of Roger Earl Haigh and Clifford  
15 Haigh in H.C.C.F. Number RP-2017-134466, South 01 degree 56 minutes  
16 29 seconds East (call South 00 degrees 10 minutes 35 seconds West),  
17 at 39.75 feet pass a 3/4 inch iron rod found at the northwesterly  
18 corner of said Parcel 6 and continuing for a total distance of  
19 5,226.16 feet to a 2 inch iron pipe found on the aforesaid north  
20 R.O.W. line of F.M. 529;  
21 THENCE, with said north R.O.W. line, South 87 degrees 59 minutes 59  
22 seconds West (call North 89 degrees 52 minutes 51 seconds West), a  
23 distance of 150.00 feet to a 3/4 inch capped iron rod stamped  
24 "CenterPoint Energy" found at the southeast corner of a call 21.34  
25 acre tract of land recorded in the name of CenterPoint Energy  
26 Houston Electric, LLC in File Number 2206806 of the O.P.R.W.C.  
27 THENCE, with the east, north and west lines of said 21.34 acre

1 tract, the following four (4) courses:

2 1) North 01 degree 56 minutes 25 seconds West, a distance of 971.39  
3 feet to a 3/4 inch capped iron rod stamped "CenterPoint Energy"  
4 found;

5 2) North 18 degrees 53 minutes 43 seconds West, a distance of 35.13  
6 feet to a 3/4 inch capped iron rod stamped "CenterPoint Energy"  
7 found;

8 3) South 87 degrees 59 minutes 59 seconds West, a distance of  
9 914.75 feet to a 3/4 inch capped iron rod stamped "CenterPoint  
10 Energy" found;

11 4) South 01 degree 56 minutes 25 seconds East, a distance of  
12 1,005.00 feet to a 3/4 inch capped iron rod stamped "CenterPoint  
13 Energy" found on the said north R.O.W. line of F.M. 529;

14 THENCE, with said north R.O.W. line, South 87 degrees 59 minutes 59  
15 seconds West, a distance of 300.00 feet to the POINT OF BEGINNING  
16 and containing 300.183 acres of land.

17 Tract 2:

18 Being a tract containing 57.811 acres of land located in the J.R.  
19 Garrett Survey, Abstract Number 378, Waller County, Texas. Said  
20 57.811 acres being a call 57.8006 acre tract of land recorded in the  
21 name of Lawrence A. Jasek, Trustee in Volume 508, Page 498 of the  
22 Official Public Records of Waller County (O.P.R.W.C.). Said 57.811  
23 acres being more particularly described by metes and bounds as  
24 follows (bearings are referenced to the Texas Coordinate System of  
25 1983, South Central Zone, based on GPS observations):

26 COMMENCING at a 1/2 inch iron pipe found at the southwest corner of  
27 a call 575.411 acre tract of land recorded in the name of Kenneth R.

H.B. No. 5389

1 Jasek and Joanna H. Jasek in Harris County Clerk's File (H.C.C.F.)  
2 Number 20070005783, the southeast corner of a call 628.479 acre  
3 tract of land recorded in the name of Malladi Reddy in Volume 1366,  
4 Page 688 of the O.P.R.W.C., on the north right-of-way (R.O.W.) line  
5 of F.M. 529 (120-foot wide) and being on the common line between  
6 said J.R. Garrett Survey and the H.&T.C. R.R. Company Survey  
7 Section 113, Abstract Number 173, Waller County, Texas from which a  
8 2 inch iron pipe found at the southeast corner of said 575.411 acre  
9 tract and on the west line of a call 16.478 acre tract of land  
10 recorded in the name of Roger Earl Haigh and Clifford Haigh in  
11 H.C.C.F. Number RP-2017-134466 bears North 87 degrees 59 minutes 59  
12 seconds East, a distance of 5,280.04 feet;

13 THENCE, with said common survey line and the common line between  
14 said 575.411 and 628.479 acre tracts, North 01 degree 59 minutes 44  
15 seconds West, a distance of 4,266.50 feet to a 5/8 inch capped iron  
16 rod stamped "GBI Partners" set at the southwest corner of said  
17 57.8006 acre tract and the POINT OF BEGINNING of the herein  
18 described tract;

19 THENCE, continuing with said common survey line and the common line  
20 between said 575.411 and 628.479 acre tracts, North 01 degree 59  
21 minutes 44 seconds West (call North), a distance of 953.71 feet to a  
22 1/2 inch iron pipe found at the common corner of said 57.8006 acre  
23 tract, a call 364.14 acre tract of land recorded in the name of Katy  
24 Prairie Conservancy in Volume 1334, Page 254 of the O.P.R.W.C. and a  
25 call 401.115 acre tract of land recorded in the name of Charles A.  
26 Menke, et al. in File Number 1700611 of the O.P.R.W.C., and being at  
27 the common corner of said J.R. Garrett Survey, said H.&T.C. R.R.

1 Company Survey, Section 113, the H.&T.C. R.R. Company Survey,  
2 Section 117, Abstract Number 199, Waller County, Texas and the J.R.  
3 Garrett Survey, Abstract Number 377, Waller County, Texas;

4 THENCE, with the common line between said 57.8006 and 364.14 acre  
5 tracts, North 87 degrees 59 minutes 57 seconds East, a distance of  
6 2,640.09 feet (call East, a distance of 2,640.00 feet) to a 3/4 inch  
7 iron pipe found at the most northerly northwest corner of aforesaid  
8 575.411 acre tract and the northeast corner of said 57.8006 acre  
9 tract;

10 THENCE, with the common lines between said 57.8006 acre tract and  
11 said 575.411 acre tract the following two (2) courses:

12 1) South 01 degree 59 minutes 55 seconds East, a distance of 953.96  
13 feet (call South, a distance of 953.71 feet) to a 1/2 inch iron pipe  
14 found at an interior corner of said 575.411 acre tract and the  
15 southeast corner of said 57.8006 acre tract;

16 2) South 88 degrees 00 minutes 16 seconds West (call West), at  
17 2,580.14 feet pass a 6 inch iron pipe found for reference and  
18 continuing for a total distance of 2,640.14 feet (call 2,640.00  
19 feet) to the POINT OF BEGINNING and containing 57.811 acres of land.

20 Tract 3:

21 Being a tract containing 253.905 acres of land located in the J.R.  
22 Garrett Survey, Abstract Number 378, Waller County, Texas. Said  
23 253.905 acres being a portion of a call 575.411 acre tract of land  
24 recorded in the name of Kenneth R. Jasek and Joanna H. Jasek in  
25 Harris County Clerk's File (H.C.C.F.) Number 20070005783. Said  
26 253.905 acres being more particularly described by metes and bounds  
27 as follows (bearings are referenced to the Texas Coordinate System

1 of 1983, South Central Zone, based on GPS observations):  
2 BEGINNING at a 1/2 inch iron pipe found at the southwest corner of  
3 said 575.411 acre tract, the southeast corner of a call 628.479 acre  
4 tract of land recorded in the name of Malladi Reddy in Volume 1366,  
5 Page 688 of the O.P.R.W.C., on the north right-of-way (R.O.W.) line  
6 of F.M. 529 (120-foot wide) and being on the common line between  
7 said J.R. Garrett Survey, A-378 and the H.&T.C. R.R. Company  
8 Survey, Section 113, Abstract Number 173, Waller County, Texas;  
9 THENCE, with said common survey line and the common line between  
10 said 575.411 and 628.479 acre tracts, North 01 degree 59 minutes 44  
11 seconds West (call North 00 degrees 07 minutes 20 seconds East), a  
12 distance of 3,767.97 feet to a 5/8 inch capped iron rod stamped "GBI  
13 Partners" set from which a 1/2 inch iron pipe found at the common  
14 corner of said 628.479 acres, a call 57.8006 acre tract of land  
15 recorded in the name of Lawrence A. Jasek, Trustee in Volume 508,  
16 Page 498 of the Official Public Records of Waller County  
17 (O.P.R.W.C.), a call 364.14 acre tract of land recorded in the name  
18 of Katy Prairie Conservancy in Volume 1334, Page 254 of the  
19 O.P.R.W.C. and a call 401.115 acre tract of land recorded in the  
20 name of Charles A. Menke, et al. in File Number 1700611 of the  
21 O.P.R.W.C., and being at the common corner of said J.R. Garrett  
22 Survey, said H.&T.C.R.R. Company Survey, Section 113, the  
23 H.&T.C.R.R. Company Survey, Section 117, Abstract Number 199,  
24 Waller County, Texas and the J.R. Garrett Survey, Abstract Number  
25 377, Waller County, Texas bears North 01 degree 59 minutes 44  
26 seconds West, a distance of 1,452.24 feet;  
27 THENCE, through and across said 575.411 acre tract, the following



1 six (6) courses:

2 1) South 77 degrees 09 minutes 13 seconds East, a distance of  
3 1,300.48 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
4 set;

5 2) North 88 degrees 18 minutes 44 seconds East, a distance of  
6 972.41 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
7 set;

8 3) South 42 degrees 21 minutes 49 seconds East, a distance of  
9 717.67 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
10 set;

11 4) South 02 degrees 48 minutes 36 seconds East, a distance of  
12 1,456.14 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
13 set;

14 5) North 89 degrees 11 minutes 37 seconds East, a distance of  
15 1,191.65 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
16 set;

17 6) South 01 degree 56 minutes 25 seconds East, a distance of  
18 1,401.78 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
19 set on the aforesaid north R.O.W. line of F.M. 529 from which a 3/4  
20 inch capped iron rod stamped "CenterPoint Energy" found at the  
21 southwest corner of a call 21.34 acre tract of land recorded in the  
22 name of CenterPoint Energy Houston Electric, LLC in File Number  
23 2206806 of the O.P.R.W.C. bears North 87 degrees 59 minutes 59  
24 seconds East, a distance of 300.00 feet;

25 THENCE, with said north R.O.W. line, South 87 degrees 59 minutes 59  
26 seconds West (call North 89 degrees 52 minutes 51 seconds West), a  
27 distance of 3,905.05 feet to the POINT OF BEGINNING and containing

1 253.905 acres of land.

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

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

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

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

20 SECTION 4. (a) If this Act does not receive a two-thirds  
21 vote of all the members elected to each house, Subchapter C, Chapter  
22 8006A, Special District Local Laws Code, as added by Section 1 of  
23 this Act, is amended by adding Section 8006A.0307 to read as  
24 follows:

25 Sec. 8006A.0307. NO EMINENT DOMAIN POWER. The district may  
26 not exercise the power of eminent domain.

27 (b) This section is not intended to be an expression of a

1 legislative interpretation of the requirements of Section 17(c),  
2 Article I, Texas Constitution.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 5389 was passed by the House on May 9, 2023, by the following vote: Yeas 110, Nays 32, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 5389 was passed by the Senate on May 24, 2023, by the following vote: Yeas 28, Nays 3.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor