

1-1 By: Bell of Montgomery (Senate Sponsor - Kolkhorst) H.B. No. 5389
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 10, 2023, read first time and referred to Committee on Local
 1-4 Government; May 19, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

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

1-19 relating to the creation of the Harris-Waller Counties Municipal
 1-20 Utility District No. 8; 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 8006A to read as follows:

1-26 CHAPTER 8006A. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT
 1-27 NO. 8

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 8006A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Harris-Waller Counties
 1-35 Municipal Utility District No. 8.

1-36 Sec. 8006A.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 8006A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 8006A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 8006A.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district as required by
 1-49 applicable law.

1-50 Sec. 8006A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 8006A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by
 1-61 Section 2 of the Act enacting this chapter.

2-1 (b) The boundaries and field notes contained in Section 2 of
 2-2 the Act enacting this chapter form a closure. A mistake made in the
 2-3 field notes or in copying the field notes in the legislative process
 2-4 does not affect the district's:

- 2-5 (1) organization, existence, or validity;
- 2-6 (2) right to issue any type of bond for the purposes
 2-7 for which the district is created or to pay the principal of and
 2-8 interest on a bond;
- 2-9 (3) right to impose a tax; or
- 2-10 (4) legality or operation.

2-11 SUBCHAPTER B. BOARD OF DIRECTORS

2-12 Sec. 8006A.0201. GOVERNING BODY; TERMS. (a) The district
 2-13 is governed by a board of five elected directors.

2-14 (b) Except as provided by Section 8006A.0202, directors
 2-15 serve staggered four-year terms.

2-16 Sec. 8006A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-17 effective date of the Act enacting this chapter, the owner or owners
 2-18 of a majority of the assessed value of the real property in the
 2-19 district may submit a petition to the commission requesting that
 2-20 the commission appoint as temporary directors the five persons
 2-21 named in the petition. The commission shall appoint as temporary
 2-22 directors the five persons named in the petition.

2-23 (b) Temporary directors serve until the earlier of:

2-24 (1) the date permanent directors are elected under
 2-25 Section 8006A.0103; or

2-26 (2) the fourth anniversary of the effective date of
 2-27 the Act enacting this chapter.

2-28 (c) If permanent directors have not been elected under
 2-29 Section 8006A.0103 and the terms of the temporary directors have
 2-30 expired, successor temporary directors shall be appointed or
 2-31 reappointed as provided by Subsection (d) to serve terms that
 2-32 expire on the earlier of:

2-33 (1) the date permanent directors are elected under
 2-34 Section 8006A.0103; or

2-35 (2) the fourth anniversary of the date of the
 2-36 appointment or reappointment.

2-37 (d) If Subsection (c) applies, the owner or owners of a
 2-38 majority of the assessed value of the real property in the district
 2-39 may submit a petition to the commission requesting that the
 2-40 commission appoint as successor temporary directors the five
 2-41 persons named in the petition. The commission shall appoint as
 2-42 successor temporary directors the five persons named in the
 2-43 petition.

2-44 SUBCHAPTER C. POWERS AND DUTIES

2-45 Sec. 8006A.0301. GENERAL POWERS AND DUTIES. The district
 2-46 has the powers and duties necessary to accomplish the purposes for
 2-47 which the district is created.

2-48 Sec. 8006A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-49 DUTIES. The district has the powers and duties provided by the
 2-50 general law of this state, including Chapters 49 and 54, Water Code,
 2-51 applicable to municipal utility districts created under Section 59,
 2-52 Article XVI, Texas Constitution.

2-53 Sec. 8006A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-54 Section 52, Article III, Texas Constitution, the district may
 2-55 design, acquire, construct, finance, issue bonds for, improve,
 2-56 operate, maintain, and convey to this state, a county, or a
 2-57 municipality for operation and maintenance macadamized, graveled,
 2-58 or paved roads, or improvements, including storm drainage, in aid
 2-59 of those roads.

2-60 Sec. 8006A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-61 road project must meet all applicable construction standards,
 2-62 zoning and subdivision requirements, and regulations of each
 2-63 municipality in whose corporate limits or extraterritorial
 2-64 jurisdiction the road project is located.

2-65 (b) If a road project is not located in the corporate limits
 2-66 or extraterritorial jurisdiction of a municipality, the road
 2-67 project must meet all applicable construction standards,
 2-68 subdivision requirements, and regulations of each county in which
 2-69 the road project is located.

3-1 (c) If the state will maintain and operate the road, the
 3-2 Texas Transportation Commission must approve the plans and
 3-3 specifications of the road project.

3-4 Sec. 8006A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-5 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-6 applicable requirements of any ordinance or resolution that is
 3-7 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-8 consents to the creation of the district or to the inclusion of land
 3-9 in the district.

3-10 Sec. 8006A.0306. DIVISION OF DISTRICT. (a) The board, on
 3-11 its own motion or on receipt of a petition signed by the owner or
 3-12 owners of a majority of the assessed value of the real property in
 3-13 the district, may adopt an order dividing the district.

3-14 (b) An order dividing a district may create one or more new
 3-15 districts and may provide for the continuation of the district.

3-16 (c) An order dividing the district shall:

3-17 (1) name any new district;

3-18 (2) include the metes and bounds description of the
 3-19 territory of each of the districts;

3-20 (3) appoint temporary directors for any new district;
 3-21 and

3-22 (4) provide for the division of assets and liabilities
 3-23 between the districts.

3-24 (d) The board may adopt an order dividing the district
 3-25 before or after the date the board holds an election to confirm the
 3-26 district's creation.

3-27 (e) The district may be divided only if the district:

3-28 (1) has no outstanding bonded debt; and

3-29 (2) is not imposing ad valorem taxes.

3-30 (f) A new district created by the division of the district
 3-31 may not, at the time the new district is created, contain any land
 3-32 outside the area described by Section 2 of the Act enacting this
 3-33 chapter.

3-34 (g) On or before the 30th day after the date of adoption of
 3-35 an order dividing the district, the district shall file the order
 3-36 with the commission and record the order in the real property
 3-37 records of each county in which the district is located.

3-38 (h) This chapter applies to any new district created by the
 3-39 division of the district, and a new district has all the powers and
 3-40 duties of the district.

3-41 (i) A new district created by the division of the district
 3-42 shall hold a confirmation and directors' election. If the voters of
 3-43 the new district do not confirm the creation of the new district,
 3-44 the assets, obligations, territory, and governance of the new
 3-45 district revert to the original district.

3-46 (j) If the creation of the new district is confirmed, the
 3-47 new district shall provide the election date and results to the
 3-48 commission.

3-49 (k) A new district created by the division of the district
 3-50 must hold an election as required by this chapter to obtain voter
 3-51 approval before the district may impose a maintenance tax or issue
 3-52 bonds payable wholly or partly from ad valorem taxes.

3-53 (l) The district may continue to rely on confirmation,
 3-54 directors', bond, or tax elections held prior to the division.

3-55 (m) Municipal consent to the creation of the district and to
 3-56 the inclusion of land in the district acts as municipal consent to
 3-57 the creation of any new district created by the division of the
 3-58 district and to the inclusion of land in the new district.

3-59 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-60 Sec. 8006A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-61 The district may issue, without an election, bonds and other
 3-62 obligations secured by:

3-63 (1) revenue other than ad valorem taxes; or

3-64 (2) contract payments described by Section
 3-65 8006A.0403.

3-66 (b) The district must hold an election in the manner
 3-67 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-68 before the district may impose an ad valorem tax or issue bonds
 3-69 payable from ad valorem taxes.

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

4-5 Sec. 8006A.0402. OPERATION AND MAINTENANCE TAX. (a) If
4-6 authorized at an election held under Section 8006A.0401, the
4-7 district may impose an operation and maintenance tax on taxable
4-8 property in the district in accordance with Section 49.107, Water
4-9 Code.

4-10 (b) The board shall determine the tax rate. The rate may not
4-11 exceed the rate approved at the election.

4-12 Sec. 8006A.0403. CONTRACT TAXES. (a) In accordance with
4-13 Section 49.108, Water Code, the district may impose a tax other than
4-14 an operation and maintenance tax and use the revenue derived from
4-15 the tax to make payments under a contract after the provisions of
4-16 the contract have been approved by a majority of the district voters
4-17 voting at an election held for that purpose.

4-18 (b) A contract approved by the district voters may contain a
4-19 provision stating that the contract may be modified or amended by
4-20 the board without further voter approval.

4-21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-22 Sec. 8006A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-23 OBLIGATIONS. The district may issue bonds or other obligations
4-24 payable wholly or partly from ad valorem taxes, impact fees,
4-25 revenue, contract payments, grants, or other district money, or any
4-26 combination of those sources, to pay for any authorized district
4-27 purpose.

4-28 Sec. 8006A.0502. TAXES FOR BONDS. At the time the district
4-29 issues bonds payable wholly or partly from ad valorem taxes, the
4-30 board shall provide for the annual imposition of a continuing
4-31 direct ad valorem tax, without limit as to rate or amount, while all
4-32 or part of the bonds are outstanding as required and in the manner
4-33 provided by Sections 54.601 and 54.602, Water Code.

4-34 Sec. 8006A.0503. BONDS FOR ROAD PROJECTS. At the time of
4-35 issuance, the total principal amount of bonds or other obligations
4-36 issued or incurred to finance road projects and payable from ad
4-37 valorem taxes may not exceed one-fourth of the assessed value of the
4-38 real property in the district.

4-39 SECTION 2. Harris-Waller Counties Municipal Utility
4-40 District No. 8 initially includes all the territory contained in
4-41 the following area:

4-42 Tract 1:

4-43 Being a tract containing 300.183 acres of land located in the J.R.
4-44 Garrett Survey, Abstract Number 378, Waller County, Texas, the J.R.
4-45 Garrett Survey, Abstract Number 1594, Harris County, Texas and the
4-46 W.H. Shaw Survey, Abstract Number 1714, Harris County, Texas. Said
4-47 300.183 acres being a portion of a call 575.411 acre tract of land
4-48 recorded in the name of Kenneth R. Jasek and Joanna H. Jasek in
4-49 Harris County Clerk's File (H.C.C.F.) Number 20070005783. Said
4-50 300.183 acres being more particularly described by metes and bounds
4-51 as follows (bearings are referenced to the Texas Coordinate System
4-52 of 1983, South Central Zone, based on GPS observations):

4-53 COMMENCING at a 1/2 inch iron pipe found at the southwest corner of
4-54 said 575.411 acre tract, the southeast corner of a call 628.479 acre
4-55 tract of land recorded in the name of Malladi Reddy in Volume 1366,
4-56 Page 688 of the O.P.R.W.C., on the north right-of-way (R.O.W.) line
4-57 of F.M. 529 (120-foot wide) and being on the common line between
4-58 said J.R. Garrett Survey, A-378 and the H.&T.C. R.R. Company
4-59 Survey, Section 113, Abstract Number 173, Waller County, Texas;
4-60 THENCE, with said north R.O.W. line, North 87 degrees 59 minutes 59
4-61 seconds East (call South 89 degrees 52 minutes 51 seconds East), a
4-62 distance of 3,905.05 feet to a 5/8 inch capped iron rod stamped "GBI
4-63 Partners" set at the POINT OF BEGINNING of the herein described
4-64 tract;

4-65 THENCE, through and across said 575.411 acre tract, the following
4-66 six (6) courses:

4-67 1) North 01 degree 56 minutes 25 seconds West, a distance of
4-68 1,401.78 feet to a 5/8 inch capped iron rod stamped "GBI Partners"
4-69 set;

5-1 2) South 89 degrees 11 minutes 37 seconds West, a distance of
5-2 1,191.65 feet to a 5/8 inch capped iron rod stamped "GBI Partners"
5-3 set;
5-4 3) North 02 degrees 48 minutes 36 seconds West, a distance of
5-5 1,456.14 feet to a 5/8 inch capped iron rod stamped "GBI Partners"
5-6 set;
5-7 4) North 42 degrees 21 minutes 49 seconds West, a distance of
5-8 717.67 feet to a 5/8 inch capped iron rod stamped "GBI Partners"
5-9 set;
5-10 5) South 88 degrees 18 minutes 44 seconds West, a distance of
5-11 972.41 feet to a 5/8 inch capped iron rod stamped "GBI Partners"
5-12 set;
5-13 6) North 77 degrees 09 minutes 13 seconds West, a distance of
5-14 1,300.48 feet to a 5/8 inch capped iron rod stamped "GBI Partners"
5-15 set on the common line between said 575.411 and 628.479 acre tracts
5-16 and the aforesaid common line between the J.R. Garrett Survey,
5-17 A-378 and the H.&T.C. R.R. Company Survey, Section 113;
5-18 THENCE, with said common lines, North 01 degree 59 minutes 44
5-19 seconds West (call North 00 degrees 07 minutes 20 seconds East), a
5-20 distance of 498.53 feet to a 5/8 inch capped iron rod stamped "GBI
5-21 Partners" set at the southwesterly corner of a call 57.8006 acre
5-22 tract of land recorded in the name of Lawrence A. Jasek, Trustee in
5-23 Volume 508, Page 498 of the Official Public Records of Waller County
5-24 (O.P.R.W.C.);
5-25 THENCE, with the common lines between said 575.411 and 57.8006 acre
5-26 tracts, the following two (2) courses:
5-27 1) North 88 degrees 00 minutes 16 seconds East (call South 89
5-28 degrees 52 minutes 19 seconds East), at 60.00 feet pass a 6 inch
5-29 iron pipe and continuing for a total distance of 2,640.14 feet (call
5-30 2,640.00 feet) to a 1/2 inch iron pipe found at the southeast corner
5-31 of said 57.8006 acre tract;
5-32 2) North 01 degree 59 minutes 55 seconds West, a distance of 953.96
5-33 feet (call North 00 degrees 06 minutes 58 seconds East, a distance
5-34 of 954.04 feet) to a 3/4 inch iron pipe found at the northeast
5-35 corner of said 57.8006 acre tract and being on the southerly line of
5-36 a call 364.14 acre tract of land recorded in the name of Katy
5-37 Prairie Conservancy in Volume 1334, Page 254 of the O.P.R.W.C.,
5-38 from which a 1/2 inch iron pipe found at the common corner of said
5-39 57.8006 acre tract, said 364.14 acre tract and a call 401.115 acre
5-40 tract of land recorded in the name of Charles A. Menke, et al. in
5-41 File Number 1700611 of the O.P.R.W.C., and being the common corner
5-42 of said J.R. Garrett Survey, said H.&T.C. R.R. Company Survey,
5-43 Section 113, the H.&T.C. R.R. Company Survey, Section 117, Abstract
5-44 Number 199, Waller County, Texas and the J.R. Garrett Survey,
5-45 Abstract Number 377, Waller County, Texas bears South 87 degrees 59
5-46 minutes 57 seconds West, a distance of 2,640.09 feet;
5-47 THENCE, with the south lines of said 364.14 acre tract and a call
5-48 503.250 acre tract of land recorded in the name of Xu Qing, LLC in
5-49 H.C.C.F. Number RP-2018-130319, North 87 degrees 52 minutes 17
5-50 seconds East, a distance of 2,644.89 feet (call North 89 degrees 59
5-51 minutes 16 seconds East, a distance of 2,645.05 feet) to a 1/2 inch
5-52 iron pipe found at an interior corner of said 503.250 acre tract and
5-53 being on the terminus of Longenbaugh Road (80-foot wide);
5-54 THENCE, with said terminus and the westerly lines of a call 274.704
5-55 acre tract of land, styled as Parcel 6, recorded in the name of Xu
5-56 Qing, LLC in H.C.C.F. Number RP-2018-130319 and a call 16.478 acre
5-57 tract of land recorded in the name of Roger Earl Haigh and Clifford
5-58 Haigh in H.C.C.F. Number RP-2017-134466, South 01 degree 56 minutes
5-59 29 seconds East (call South 00 degrees 10 minutes 35 seconds West),
5-60 at 39.75 feet pass a 3/4 inch iron rod found at the northwesterly
5-61 corner of said Parcel 6 and continuing for a total distance of
5-62 5,226.16 feet to a 2 inch iron pipe found on the aforesaid north
5-63 R.O.W. line of F.M. 529;
5-64 THENCE, with said north R.O.W. line, South 87 degrees 59 minutes 59
5-65 seconds West (call North 89 degrees 52 minutes 51 seconds West), a
5-66 distance of 150.00 feet to a 3/4 inch capped iron rod stamped
5-67 "CenterPoint Energy" found at the southeast corner of a call 21.34
5-68 acre tract of land recorded in the name of CenterPoint Energy
5-69 Houston Electric, LLC in File Number 2206806 of the O.P.R.W.C.

6-1 THENCE, with the east, north and west lines of said 21.34 acre
6-2 tract, the following four (4) courses:
6-3 1) North 01 degree 56 minutes 25 seconds West, a distance of 971.39
6-4 feet to a 3/4 inch capped iron rod stamped "CenterPoint Energy"
6-5 found;
6-6 2) North 18 degrees 53 minutes 43 seconds West, a distance of 35.13
6-7 feet to a 3/4 inch capped iron rod stamped "CenterPoint Energy"
6-8 found;
6-9 3) South 87 degrees 59 minutes 59 seconds West, a distance of
6-10 914.75 feet to a 3/4 inch capped iron rod stamped "CenterPoint
6-11 Energy" found;
6-12 4) South 01 degree 56 minutes 25 seconds East, a distance of
6-13 1,005.00 feet to a 3/4 inch capped iron rod stamped "CenterPoint
6-14 Energy" found on the said north R.O.W. line of F.M. 529;
6-15 THENCE, with said north R.O.W. line, South 87 degrees 59 minutes 59
6-16 seconds West, a distance of 300.00 feet to the POINT OF BEGINNING
6-17 and containing 300.183 acres of land.
6-18 Tract 2:
6-19 Being a tract containing 57.811 acres of land located in the J.R.
6-20 Garrett Survey, Abstract Number 378, Waller County, Texas. Said
6-21 57.811 acres being a call 57.8006 acre tract of land recorded in the
6-22 name of Lawrence A. Jasek, Trustee in Volume 508, Page 498 of the
6-23 Official Public Records of Waller County (O.P.R.W.C.). Said 57.811
6-24 acres being more particularly described by metes and bounds as
6-25 follows (bearings are referenced to the Texas Coordinate System of
6-26 1983, South Central Zone, based on GPS observations):
6-27 COMMENCING at a 1/2 inch iron pipe found at the southwest corner of
6-28 a call 575.411 acre tract of land recorded in the name of Kenneth R.
6-29 Jasek and Joanna H. Jasek in Harris County Clerk's File (H.C.C.F.)
6-30 Number 20070005783, the southeast corner of a call 628.479 acre
6-31 tract of land recorded in the name of Malladi Reddy in Volume 1366,
6-32 Page 688 of the O.P.R.W.C., on the north right-of-way (R.O.W.) line
6-33 of F.M. 529 (120-foot wide) and being on the common line between
6-34 said J.R. Garrett Survey and the H.&T.C. R.R. Company Survey
6-35 Section 113, Abstract Number 173, Waller County, Texas from which a
6-36 2 inch iron pipe found at the southeast corner of said 575.411 acre
6-37 tract and on the west line of a call 16.478 acre tract of land
6-38 recorded in the name of Roger Earl Haigh and Clifford Haigh in
6-39 H.C.C.F. Number RP-2017-134466 bears North 87 degrees 59 minutes 59
6-40 seconds East, a distance of 5,280.04 feet;
6-41 THENCE, with said common survey line and the common line between
6-42 said 575.411 and 628.479 acre tracts, North 01 degree 59 minutes 44
6-43 seconds West, a distance of 4,266.50 feet to a 5/8 inch capped iron
6-44 rod stamped "GBI Partners" set at the southwest corner of said
6-45 57.8006 acre tract and the POINT OF BEGINNING of the herein
6-46 described tract;
6-47 THENCE, continuing with said common survey line and the common line
6-48 between said 575.411 and 628.479 acre tracts, North 01 degree 59
6-49 minutes 44 seconds West (call North), a distance of 953.71 feet to a
6-50 1/2 inch iron pipe found at the common corner of said 57.8006 acre
6-51 tract, a call 364.14 acre tract of land recorded in the name of Katy
6-52 Prairie Conservancy in Volume 1334, Page 254 of the O.P.R.W.C. and a
6-53 call 401.115 acre tract of land recorded in the name of Charles A.
6-54 Menke, et al. in File Number 1700611 of the O.P.R.W.C., and being at
6-55 the common corner of said J.R. Garrett Survey, said H.&T.C. R.R.
6-56 Company Survey, Section 113, the H.&T.C. R.R. Company Survey,
6-57 Section 117, Abstract Number 199, Waller County, Texas and the J.R.
6-58 Garrett Survey, Abstract Number 377, Waller County, Texas;
6-59 THENCE, with the common line between said 57.8006 and 364.14 acre
6-60 tracts, North 87 degrees 59 minutes 57 seconds East, a distance of
6-61 2,640.09 feet (call East, a distance of 2,640.00 feet) to a 3/4 inch
6-62 iron pipe found at the most northerly northwest corner of aforesaid
6-63 575.411 acre tract and the northeast corner of said 57.8006 acre
6-64 tract;
6-65 THENCE, with the common lines between said 57.8006 acre tract and
6-66 said 575.411 acre tract the following two (2) courses:
6-67 1) South 01 degree 59 minutes 55 seconds East, a distance of 953.96
6-68 feet (call South, a distance of 953.71 feet) to a 1/2 inch iron pipe
6-69 found at an interior corner of said 575.411 acre tract and the

7-1 southeast corner of said 57.8006 acre tract;

7-2 2) South 88 degrees 00 minutes 16 seconds West (call West), at

7-3 2,580.14 feet pass a 6 inch iron pipe found for reference and

7-4 continuing for a total distance of 2,640.14 feet (call 2,640.00

7-5 feet) to the POINT OF BEGINNING and containing 57.811 acres of land.

7-6 Tract 3:

7-7 Being a tract containing 253.905 acres of land located in the J.R.

7-8 Garrett Survey, Abstract Number 378, Waller County, Texas. Said

7-9 253.905 acres being a portion of a call 575.411 acre tract of land

7-10 recorded in the name of Kenneth R. Jasek and Joanna H. Jasek in

7-11 Harris County Clerk's File (H.C.C.F.) Number 20070005783. Said

7-12 253.905 acres being more particularly described by metes and bounds

7-13 as follows (bearings are referenced to the Texas Coordinate System

7-14 of 1983, South Central Zone, based on GPS observations):

7-15 BEGINNING at a 1/2 inch iron pipe found at the southwest corner of

7-16 said 575.411 acre tract, the southeast corner of a call 628.479 acre

7-17 tract of land recorded in the name of Malladi Reddy in Volume 1366,

7-18 Page 688 of the O.P.R.W.C., on the north right-of-way (R.O.W.) line

7-19 of F.M. 529 (120-foot wide) and being on the common line between

7-20 said J.R. Garrett Survey, A-378 and the H.&T.C. R.R. Company

7-21 Survey, Section 113, Abstract Number 173, Waller County, Texas;

7-22 THENCE, with said common survey line and the common line between

7-23 said 575.411 and 628.479 acre tracts, North 01 degree 59 minutes 44

7-24 seconds West (call North 00 degrees 07 minutes 20 seconds East), a

7-25 distance of 3,767.97 feet to a 5/8 inch capped iron rod stamped "GBI

7-26 Partners" set from which a 1/2 inch iron pipe found at the common

7-27 corner of said 628.479 acres, a call 57.8006 acre tract of land

7-28 recorded in the name of Lawrence A. Jasek, Trustee in Volume 508,

7-29 Page 498 of the Official Public Records of Waller County

7-30 (O.P.R.W.C.), a call 364.14 acre tract of land recorded in the name

7-31 of Katy Prairie Conservancy in Volume 1334, Page 254 of the

7-32 O.P.R.W.C. and a call 401.115 acre tract of land recorded in the

7-33 name of Charles A. Menke, et al. in File Number 1700611 of the

7-34 O.P.R.W.C., and being at the common corner of said J.R. Garrett

7-35 Survey, said H.&T.C.R.R. Company Survey, Section 113, the

7-36 H.&T.C.R.R. Company Survey, Section 117, Abstract Number 199,

7-37 Waller County, Texas and the J.R. Garrett Survey, Abstract Number

7-38 377, Waller County, Texas bears North 01 degree 59 minutes 44

7-39 seconds West, a distance of 1,452.24 feet;

7-40 THENCE, through and across said 575.411 acre tract, the following

7-41 six (6) courses:

7-42 1) South 77 degrees 09 minutes 13 seconds East, a distance of

7-43 1,300.48 feet to a 5/8 inch capped iron rod stamped "GBI Partners"

7-44 set;

7-45 2) North 88 degrees 18 minutes 44 seconds East, a distance of

7-46 972.41 feet to a 5/8 inch capped iron rod stamped "GBI Partners"

7-47 set;

7-48 3) South 42 degrees 21 minutes 49 seconds East, a distance of

7-49 717.67 feet to a 5/8 inch capped iron rod stamped "GBI Partners"

7-50 set;

7-51 4) South 02 degrees 48 minutes 36 seconds East, a distance of

7-52 1,456.14 feet to a 5/8 inch capped iron rod stamped "GBI Partners"

7-53 set;

7-54 5) North 89 degrees 11 minutes 37 seconds East, a distance of

7-55 1,191.65 feet to a 5/8 inch capped iron rod stamped "GBI Partners"

7-56 set;

7-57 6) South 01 degree 56 minutes 25 seconds East, a distance of

7-58 1,401.78 feet to a 5/8 inch capped iron rod stamped "GBI Partners"

7-59 set on the aforesaid north R.O.W. line of F.M. 529 from which a 3/4

7-60 inch capped iron rod stamped "CenterPoint Energy" found at the

7-61 southwest corner of a call 21.34 acre tract of land recorded in the

7-62 name of CenterPoint Energy Houston Electric, LLC in File Number

7-63 2206806 of the O.P.R.W.C. bears North 87 degrees 59 minutes 59

7-64 seconds East, a distance of 300.00 feet;

7-65 THENCE, with said north R.O.W. line, South 87 degrees 59 minutes 59

7-66 seconds West (call North 89 degrees 52 minutes 51 seconds West), a

7-67 distance of 3,905.05 feet to the POINT OF BEGINNING and containing

7-68 253.905 acres of land.

7-69 SECTION 3. (a) The legal notice of the intention to

8-1 introduce this Act, setting forth the general substance of this
8-2 Act, has been published as provided by law, and the notice and a
8-3 copy of this Act have been furnished to all persons, agencies,
8-4 officials, or entities to which they are required to be furnished
8-5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-6 Government Code.

8-7 (b) The governor, one of the required recipients, has
8-8 submitted the notice and Act to the Texas Commission on
8-9 Environmental Quality.

8-10 (c) The Texas Commission on Environmental Quality has filed
8-11 its recommendations relating to this Act with the governor, the
8-12 lieutenant governor, and the speaker of the house of
8-13 representatives within the required time.

8-14 (d) All requirements of the constitution and laws of this
8-15 state and the rules and procedures of the legislature with respect
8-16 to the notice, introduction, and passage of this Act are fulfilled
8-17 and accomplished.

8-18 SECTION 4. (a) If this Act does not receive a two-thirds
8-19 vote of all the members elected to each house, Subchapter C, Chapter
8-20 8006A, Special District Local Laws Code, as added by Section 1 of
8-21 this Act, is amended by adding Section 8006A.0307 to read as
8-22 follows:

8-23 Sec. 8006A.0307. NO EMINENT DOMAIN POWER. The district may
8-24 not exercise the power of eminent domain.

8-25 (b) This section is not intended to be an expression of a
8-26 legislative interpretation of the requirements of Section 17(c),
8-27 Article I, Texas Constitution.

8-28 SECTION 5. This Act takes effect immediately if it receives
8-29 a vote of two-thirds of all the members elected to each house, as
8-30 provided by Section 39, Article III, Texas Constitution. If this
8-31 Act does not receive the vote necessary for immediate effect, this
8-32 Act takes effect September 1, 2023.

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