

By: Kitzman

H.B. No. 5393

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Waller County Municipal Utility
3 District No. 55; 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 8008A to read as follows:

9 CHAPTER 8008A. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 55

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8008A.0101. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Waller County Municipal
17 Utility District No. 55.

18 Sec. 8008A.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 8008A.0103. CONFIRMATION AND DIRECTOR ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 8008A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8008A.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district as required by
7 applicable law.

8 Sec. 8008A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

17 Sec. 8008A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8008A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 8008A.0202, directors
7 serve staggered four-year terms.

8 Sec. 8008A.0202. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) Rick Hale;

11 (2) Michele Shirley;

12 (3) Bailey Cuedo;

13 (4) Carol Cafferty; and

14 (5) Robert Utter.

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

16 (1) the date permanent directors are elected under
17 Section 8008A.0103; or

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

20 (c) If permanent directors have not been elected under
21 Section 8008A.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 8008A.0103; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8008A.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8008A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8008A.0303. AUTHORITY FOR ROAD PROJECTS. Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve,
21 operate, maintain, and convey to this state, a county, or a
22 municipality for operation and maintenance macadamized, graveled,
23 or paved roads, or improvements, including storm drainage, in aid
24 of those roads.

25 Sec. 8008A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

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

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

11 Sec. 8008A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
12 ORDINANCE OR RESOLUTION. The district shall comply with all
13 applicable requirements of any ordinance or resolution that is
14 adopted under Section 54.016 or 54.0165, Water Code, and that
15 consents to the creation of the district or to the inclusion of land
16 in the district.

17 Sec. 8008A.0306. DIVISION OF DISTRICT. (a) The board, on
18 its own motion or on receipt of a petition signed by the owner or
19 owners of a majority of the assessed value of the real property in
20 the district, may adopt an order dividing the district.

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

23 (c) An order dividing the district shall:

24 (1) name any new district;

25 (2) include the metes and bounds description of the
26 territory of each of the districts;

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

1 and

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

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

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

8 (1) has never issued any bonds; and

9 (2) is not imposing ad valorem taxes.

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

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

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

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

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

26 (k) A new district created by the division of the district
27 must hold an election as required by this chapter to obtain voter

1 approval before the district may impose a maintenance tax or issue
2 bonds payable wholly or partly from ad valorem taxes.

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

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

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8008A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
11 The district may issue, without an election, bonds and other
12 obligations secured by:

- 13 (1) revenue other than ad valorem taxes; or
14 (2) contract payments described by Section
15 8008A.0403.

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

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

24 Sec. 8008A.0402. OPERATION AND MAINTENANCE TAX. (a) If
25 authorized at an election held under Section 8008A.0401, the
26 district may impose an operation and maintenance tax on taxable
27 property in the district in accordance with Section 49.107, Water

1 Code.

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

4 Sec. 8008A.0403. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 8008A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 8008A.0502. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 8008A.0503. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Waller County Municipal Utility District
5 No. 55 initially includes all the territory contained in the
6 following area:

7 TRACT I:

8 A METES & BOUNDS description of a 1,009.43 acre tract of land
9 in the H. & T. C. Railroad Company Survey Section 123, Abstract 202,
10 Waller County, Texas, and the T. S. Reese Survey, Abstract 332,
11 Waller County, Texas, being comprised of portions of that certain
12 called 484.16 acre tract recorded under County Clerk's File Number
13 2111635, Official Public Records, Waller County, Texas, portions of
14 that certain called 320 acre tract, called 195.506 acre tract, and
15 called 11.98 acre tract recorded under County Clerk's File Number
16 2211947, Official Public Records, Waller County, Texas, with all
17 bearings based upon the Texas Coordinate System of 1983, South
18 Central Zone, based upon GPS observations.

19 Commencing at a point in the intersection of Morton Road and
20 Bartlett Road for the northeast corner of said H. & T. C. Railroad
21 Company Surveying Section 123, Abstract 202, same being the
22 southeast corner of the adjoining T. S. Reese Survey, Abstract 333,
23 and the northwest corner of the adjoining Fred Eule Survey,
24 Abstract 376, being the northwest corner of an adjoining called
25 81.8452 acre tract recorded in Volume 1012, Page 543, Official
26 Records, Waller County, Texas;

27 Thence South 02 degrees 06 minutes 07 seconds East along the

1 east line of said Section 123, same being the west line of said
2 adjoining Fred Eule Survey, Abstract 376, and the west line of said
3 adjoining called 81.8452 acre tract, as located in Bartlett Road,
4 1,981.19 feet to a point for the lower northeast corner of said
5 called 484.16 acre tract, for the lower northeast corner and Place
6 of Beginning of the herein described tract, said point being the
7 southeast corner of an adjoining called 10.00 acre tract recorded
8 under County Clerk's File Number 1809163, Official Public Records,
9 Waller County, Texas;

10 Thence South 02 degrees 06 minutes 07 seconds East along the
11 east line of the herein described tract and the east line of said
12 called 484.16 acre tract, same being the west line of said adjoining
13 Fred Eule Survey, Abstract 376 and said adjoining called 81.8452
14 acre tract, as located in Bartlett Road, at 477.77 feet pass a the
15 southwest corner of said adjoining called 81.8452 acre tract, same
16 being the northwest corner of the adjoining residue of a called
17 40.8759 acre tract recorded in Volume 995, Page 449, Official
18 Records, Waller County, Texas, at 1,193.40 feet pass the southwest
19 corner of said adjoining residue of a called 40.8759 acre tract and
20 the southwest corner of said adjoining Fred Eule Survey, Abstract
21 376, same being the northwest corner of the adjoining W. I.
22 Williamson Survey, Abstract 396, and the northwest corner of an
23 adjoining called 10.2190 acre tract recorded under County Clerk's
24 File Number 1600639, Official Public Records, Waller County, Texas,
25 at 1,431.59 feet pass the southwest corner of said adjoining called
26 10.2190 acre tract, same being the northwest corner of an adjoining
27 called 80.02 acre tract recorded under County Clerk's File Number

1 1501213, Official Public Records, Waller County, Texas, and
2 continuing for a total distance of 3,298.28 feet to the southeast
3 corner of the herein described tract, the southeast corner of said
4 called 484.16 acre tract, and the southeast corner of said Section
5 123, same being the southwest corner of said adjoining W. I.
6 Williamson Survey, Abstract 396 and said adjoining called 80.02
7 acre tract, the northwest corner of the adjoining H. & T. C.
8 Railroad Company Survey Section 125, Abstract 203, being the
9 northwest corner of an adjoining called 160.37 acre tract recorded
10 in Volume 1384, Page 805, Official Records, Waller County, Texas,
11 and the northeast corner of the adjoining T. S. Reese Survey,
12 Abstract 334, being the northeast corner of an adjoining called 454
13 acre tract recorded in Volume 553, Page 96, Official Records,
14 Waller County, Texas;

15 Thence South 87 degrees 54 minutes 48 seconds West along the
16 south line of the herein described tract, the south line of said
17 called 484.16 acre tract, and the south line of said Section 123,
18 same being the north line of said adjoining T. S. Reese Survey,
19 Abstract 334, and said adjoining called 454 acre tract, 5,298.21
20 feet to the southwest corner of said called 484.16 acre tract, and
21 the southwest corner of said Section 123, same being the northwest
22 corner of said adjoining T. S. Reese Survey, Abstract 334, and said
23 adjoining called 454 acre tract, the northeast corner of the
24 adjoining H. & T. C. Railroad Company Survey Section 108, Abstract
25 295, being the northeast corner of an adjoining called 11.5164 acre
26 tract recorded under County Clerk's File Number 1908706, Official
27 Public Records, Waller County, Texas, and the southeast corner of

1 said T. S. Reese Survey, Abstract 332, being the southeast corner of
2 said called 195.506 acre tract;

3 Thence South 87 degrees 56 minutes 46 seconds West along the
4 south line of the herein described tract, the south line of said
5 called 195.506 acre tract, the south line of said called 320 acre
6 tract, and the south line of said T. S. Reese Survey, Abstract 332,
7 same being the north line of said adjoining H. & T. C. Railroad
8 Company Survey Section 108, Abstract 295, the north line of said
9 adjoining called 11.5164 acre tract, the north line of the
10 adjoining Remington Trails Section Three, according to map or plat
11 thereof recorded in Volume 658, Page. 396, Official Records, Waller
12 County, Texas, and the north line of the adjoining Remington Trails
13 Section Four, according to map or plat thereof recorded in Volume
14 658, Page 398, Official Records, Waller County, Texas, 5,206.89
15 feet to a point for the southwest corner of the herein described
16 tract, being in the east right-of-way line of F. M. Highway 2855
17 (103-feet wide this location);

18 Thence North 02 degrees 07 minutes 07 seconds West along the
19 east right-of-way line of F. M. Highway 2855, 4,718.43 feet to an
20 angle point;

21 Thence North 04 degrees 26 minutes 29 seconds West continuing
22 along the east right-of-way line of F. M. Highway 2855, 529.56 feet
23 to a point for the northwest corner of the herein described tract,
24 being at the intersection of the east right-of-way line of F. M.
25 Highway 2855 and the south right-of-way line of Morton Road (width
26 varies);

27 Thence North 87 degrees 55 minutes 39 seconds East generally

1 along the approximate south right-of-way line of Morton Road,
2 969.07 feet to a point for corner;

3 Thence South 02 degrees 09 minutes 00 seconds East, 586.03
4 feet to a point for corner;

5 Thence North 88 degrees 02 minutes 55 seconds East, 365.38
6 feet to a point for corner;

7 Thence North 01 degree 55 minutes 52 seconds West, 586.82
8 feet to a point for corner;

9 Thence North 87 degrees 55 minutes 31 seconds East generally
10 along the approximate south right-of-way line of Morton Road,
11 1,261.15 feet to a point for the most westerly northeast corner of
12 the herein described tract, being in the east line of said called
13 320 acre tract, same being the west line of an adjoining called 120
14 acre tract recorded under County Clerk's File Number 2211948,
15 Official Public Records, Waller County, Texas;

16 Thence along the common line of the herein described tract
17 and said adjoining called 120 acre tract with the following courses
18 and distances:

19 South 02 degrees 06 minutes 39 seconds East, 2,610.83
20 feet;

21 North 87 degrees 53 minutes 27 seconds East, 1,343.38
22 feet;

23 North 02 degrees 26 minutes 26 seconds West, 408.72
24 feet;

25 North 02 degrees 35 minutes 36 seconds West, 909.75
26 feet;

27 North 87 degrees 53 minutes 20 seconds East, 1,304.79

1 feet to a point for a reentry corner to the herein described tract,
2 being in the east line of said T. S. Reese Survey, Abstract 332,
3 same being the west line of said H. & T. C. Railroad Company Survey
4 Section 123, Abstract 202;

5 Thence North 02 degrees 00 minutes 38 seconds West along the
6 east line of said T. S. Reese Survey, Abstract 332, same being the
7 west line of said H. & T. C. Railroad Company Survey Section 123,
8 Abstract 202, as located in an extension of Schlipf Road, 1,131.15
9 feet to a point for corner;

10 Thence North 88 degrees 03 minutes 18 seconds East along the
11 north line of said called 11.98 acre tract, same being the south
12 line of an adjoining called 1.360 acre tract recorded in Volume 388,
13 Page 517, Deed Records, Waller County, Texas, 395.12 feet to the
14 northeast corner of said called 11.98 acre tract, being in the west
15 line of an adjoining called 4.6202 acre tract recorded in Volume
16 388, Page 522, Deed Records, Waller County, Texas;

17 Thence South 02 degrees 09 minutes 53 seconds East along the
18 common line of said called 11.98 acre tract and said adjoining
19 called 4.6202 acre tract, 238.37 feet to the southwest corner of
20 said adjoining called 4.6202 acre tract;

21 Thence North 87 degrees 56 minutes 16 seconds East along the
22 common line of the herein described tract and said adjoining called
23 4.6202 acre tract, 505.12 feet to the southeast corner of said
24 adjoining called 4.6202 acre tract;

25 Thence North 02 degrees 03 minutes 34 seconds West continuing
26 along said common line, 400.21 feet to a point on said line at its
27 intersection with the south right-of-way line of Morton Road for

1 corner;

2 Thence North 87 degrees 57 minutes 01 second East along the
3 south right-of-way line of Morton Road, 956.64 feet to a point for
4 corner, being in the west line of the adjoining residue of a called
5 618 acre tract recorded in Volume 384, Page 846, Deed Records,
6 Waller County, Texas;

7 Thence along the common line of the herein described tract
8 and said adjoining residue of a called 618 acre tract with the
9 following courses and distances:

10 South 01 degree 11 minutes 27 seconds East, 1,761.82
11 feet;

12 South 89 degrees 58 minutes 42 seconds East, 368.50
13 feet;

14 South 01 degree 11 minutes 27 seconds East, 91.37 feet;
15 South 84 degrees 09 minutes 03 seconds East, 801.87
16 feet;

17 North 70 degrees 19 minutes 33 seconds East, 458.35
18 feet;

19 North 02 degrees 04 minutes 53 seconds West, 897.90
20 feet;

21 South 84 degrees 52 minutes 14 seconds East, 1,164.32
22 feet to a point for corner, said point being in the west line of an
23 adjoining called 4.9366 acre tract recorded in Volume 1434, Page
24 650, Official Records, Waller County, Texas;

25 Thence South 01 degree 58 minutes 26 seconds East along an
26 easterly line of the herein described tract, same being the west
27 line of said adjoining called 4.9366 acre tract, 203.39 feet to the

1 southwest corner of said adjoining called 4.9366 acre tract;

2 Thence North 88 degrees 00 minutes 41 seconds East along the
3 south line of said adjoining called 4.9366 acre tract, 12.83 feet to
4 the northwest corner of the aforementioned adjoining called 10.00
5 acre tract;

6 Thence South 02 degrees 06 minutes 07 seconds East along the
7 common line of the herein described tract and said adjoining called
8 10.00 acre tract, 660.00 feet to the southwest corner of said
9 adjoining called 10.00 acre tract;

10 Thence North 87 degrees 59 minutes 52 seconds East continuing
11 along said common line, 694.99 feet to the Place of Beginning and
12 containing 1,009.43 acres of land,

13 SAVE & EXCEPT the following tract:

14 A 10.30 acre tract of land in the H. & T. C. Railroad Company
15 Survey Section 123, Abstract 202, Waller County, Texas, being that
16 certain called 10.302 acre tract recorded in Volume 667, Page 566,
17 Deed Records, Waller County, Texas, with all bearing based on the
18 Texas Coordinate System of 1983, South Central Zone, based upon GPS
19 observations.

20 Commencing at the above-described southwest corner of the
21 aforementioned called 484.16 acre tract, and the southwest corner
22 of said Section 123, same being the northwest corner of the
23 adjoining T. S. Reese Survey, Abstract 334, and the aforementioned
24 adjoining called 454 acre tract, the northeast corner of the
25 adjoining H. & T. C. Railroad Company Survey Section 108, Abstract
26 295, being the northeast corner of the aforementioned adjoining
27 called 11.5164 acre tract, and the southeast corner of said T. S.

1 Reese Survey, Abstract 332, being the southeast corner of the
2 aforementioned called 195.506 acre tract;

3 Thence North 02 degrees 00 minutes 38 seconds West along the
4 west line of said called 484.16 acre tract, and the west line of
5 said Section 123, same being the east line of said T. S. Reese
6 Survey, Abstract 332, and the east line of said called 195.506 acre
7 tract, as located in and along an apparent extension of Schlipf
8 Road, 1,465.60 feet to a point on said line;

9 Thence North 87 degrees 59 minutes 23 seconds East departing
10 said line, 25.00 feet to the southwest corner of the aforementioned
11 called 10.302 acre tract for the southwest corner and Place of
12 Beginning of the herein described 10.30 acre Save & Except tract;

13 Thence North 87 degrees 59 minutes 23 seconds East along the
14 south line of said called 10.302 acre tract, 660.00 feet to the
15 southeast corner of said called 10.302 acre tract;

16 Thence North 05 degrees 15 minutes 05 seconds West along the
17 east line of said adjoining called 10.302 acre tract, 560.66 feet to
18 an angle point;

19 Thence North 18 degrees 08 minutes 16 seconds West continuing
20 along said line, 151.08 feet to the northeast corner of said called
21 10.302 acre tract;

22 Thence South 88 degrees 00 minutes 36 seconds West along the
23 north line of said called 10.302 acre tract, 586.34 feet to the
24 northwest corner of said called 10.302 acre tract;

25 Thence South 02 degrees 00 minutes 38 seconds East along the
26 west line of said called 10.302 acre tract, 705.10 feet to the Place
27 of Beginning and containing 10.30 acres of land, for a net acreage

1 of 999.13 acres of land, more or less.

2 TRACT II:

3 A METES & BOUNDS description of a 130.64 acre tract of land in
4 the H. & T. C. Railroad Company Survey Section 109, Abstract 171,
5 Waller County, Texas, being that certain called 130.647 acre tract
6 recorded under County Clerk's File Number 2110116, Official Public
7 Records, Waller County, Texas, with all bearings based upon the
8 Texas Coordinate System of 1983, South Central Zone, based upon GPS
9 observations.

10 Beginning at the southwest corner of said called 130.647 acre
11 tract, being at the intersection of the north right-of-way line of
12 Morton Road and the east right-of-way line of F. M. Highway 2855,
13 for the southwest corner and Place of Beginning of the herein
14 described tract;

15 Thence North 02 degrees 00 minutes 01 second West along the
16 west line of said called 130.647 acre tract, same being the east
17 right-of-way line of F. M. Highway 2855, 2,620.88 feet to the
18 northwest corner of said called 130.647 acre tract, same being the
19 southwest corner of an adjoining called 217.545 acre tract recorded
20 under County Clerk's File Number 1909653, Official Public Records,
21 Waller County, Texas;

22 Thence North 88 degrees 00 minutes 31 seconds East along the
23 upper north line of said called 130.647 acre tract, same being the
24 south line of said adjoining called 217.5458 tract, 1,688.80 feet
25 to the northwest corner of an adjoining called 25.00 acre tract
26 recorded in Volume 1301, Page 590, Official Public Records, Waller
27 County, Texas;

1 Thence South 01 degree 59 minutes 35 seconds East along the
2 west line of said adjoining called 25.00 acre tract, 1,210.00 feet
3 to the southwest corner of said adjoining called 25.00 acre tract;

4 Thence North 88 degrees 02 minutes 06 seconds East along the
5 south line of said adjoining called 25.00 acre tract, 900.03 feet to
6 the southeast corner of said adjoining called 25.00 acre tract,
7 being in the west line of an adjoining called 58.96 acre tract
8 recorded under County Clerk's File Number 1909457, Official Public
9 Records, Waller County, Texas;

10 Thence South 02 degrees 00 minutes 07 seconds East along the
11 west line of said adjoining called 58.96 acre tract, 1,406.71 feet
12 to the southwest corner of said adjoining called 58.96 acre tract,
13 same being the southeast corner of said called 130.647 acre tract,
14 and being in the north right-of-way line of Morton Road;

15 Thence South 87 degrees 55 minutes 32 seconds West along the
16 north right-of-way line of Morton Road, 2,588.72 feet to the Place
17 of Beginning and containing 130.64 acres of land, more or less.

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

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor, the
3 lieutenant governor, and the speaker of the house of
4 representatives within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act are fulfilled
8 and accomplished.

9 SECTION 4. (a) If this Act does not receive a two-thirds
10 vote of all the members elected to each house, Subchapter C, Chapter
11 8008A, Special District Local Laws Code, as added by Section 1 of
12 this Act, is amended by adding Section 8008A.0307 to read as
13 follows:

14 Sec. 8008A.0307. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

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

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