

1-1 By: Kitzman (Senate Sponsor - Huffman) H.B. No. 5393
 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 15, 2023, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 15, 2023, sent to printer.)

1-6 COMMITTEE VOTE

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

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

1-19 relating to the creation of the Waller County Municipal Utility
 1-20 District No. 55; 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 8008A to read as follows:

1-26 CHAPTER 8008A. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 55
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 8008A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.
 1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.
 1-33 (4) "District" means the Waller County Municipal
 1-34 Utility District No. 55.

1-35 Sec. 8008A.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 8008A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 8008A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 8008A.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district as required by
 1-48 applicable law.

1-49 Sec. 8008A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:
 1-52 (1) a municipal utility district as provided by
 1-53 general law and Section 59, Article XVI, Texas Constitution; and
 1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 8008A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

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

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

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

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 8008A.0201. GOVERNING BODY; TERMS. (a) The district
 2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 8008A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 8008A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-16 board consists of:

- 2-17 (1) Rick Hale;
- 2-18 (2) Michele Shirley;
- 2-19 (3) Bailey Cuedo;
- 2-20 (4) Carol Cafferty; and
- 2-21 (5) Robert Utter.

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

- 2-23 (1) the date permanent directors are elected under
 2-24 Section 8008A.0103; or
- 2-25 (2) the fourth anniversary of the effective date of
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
 2-28 Section 8008A.0103 and the terms of the temporary directors have
 2-29 expired, successor temporary directors shall be appointed or
 2-30 reappointed as provided by Subsection (d) to serve terms that
 2-31 expire on the earlier of:

- 2-32 (1) the date permanent directors are elected under
 2-33 Section 8008A.0103; or
- 2-34 (2) the fourth anniversary of the date of the
 2-35 appointment or reappointment.

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

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 8008A.0301. GENERAL POWERS AND DUTIES. The district
 2-45 has the powers and duties necessary to accomplish the purposes for
 2-46 which the district is created.

2-47 Sec. 8008A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-48 DUTIES. The district has the powers and duties provided by the
 2-49 general law of this state, including Chapters 49 and 54, Water Code,
 2-50 applicable to municipal utility districts created under Section 59,
 2-51 Article XVI, Texas Constitution.

2-52 Sec. 8008A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-53 Section 52, Article III, Texas Constitution, the district may
 2-54 design, acquire, construct, finance, issue bonds for, improve,
 2-55 operate, maintain, and convey to this state, a county, or a
 2-56 municipality for operation and maintenance macadamized, graveled,
 2-57 or paved roads, or improvements, including storm drainage, in aid
 2-58 of those roads.

2-59 Sec. 8008A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-60 road project must meet all applicable construction standards,
 2-61 zoning and subdivision requirements, and regulations of each
 2-62 municipality in whose corporate limits or extraterritorial
 2-63 jurisdiction the road project is located.

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

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

3-1 Texas Transportation Commission must approve the plans and
 3-2 specifications of the road project.

3-3 Sec. 8008A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-4 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-5 applicable requirements of any ordinance or resolution that is
 3-6 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-7 consents to the creation of the district or to the inclusion of land
 3-8 in the district.

3-9 Sec. 8008A.0306. DIVISION OF DISTRICT. (a) The board, on
 3-10 its own motion or on receipt of a petition signed by the owner or
 3-11 owners of a majority of the assessed value of the real property in
 3-12 the district, may adopt an order dividing the district.

3-13 (b) An order dividing a district may create one or more new
 3-14 districts and may provide for the continuation of the district.

3-15 (c) An order dividing the district shall:

3-16 (1) name any new district;

3-17 (2) include the metes and bounds description of the
 3-18 territory of each of the districts;

3-19 (3) appoint temporary directors for any new district;
 3-20 and

3-21 (4) provide for the division of assets and liabilities
 3-22 between the districts.

3-23 (d) The board may adopt an order dividing the district
 3-24 before or after the date the board holds an election to confirm the
 3-25 district's creation.

3-26 (e) The district may be divided only if the district:

3-27 (1) has never issued any bonds; and

3-28 (2) is not imposing ad valorem taxes.

3-29 (f) A new district created by the division of the district
 3-30 may not, at the time the new district is created, contain any land
 3-31 outside the area described by Section 2 of the Act enacting this
 3-32 chapter.

3-33 (g) On or before the 30th day after the date of adoption of
 3-34 an order dividing the district, the district shall file the order
 3-35 with the commission and record the order in the real property
 3-36 records of each county in which the district is located.

3-37 (h) This chapter applies to any new district created by the
 3-38 division of the district, and a new district has all the powers and
 3-39 duties of the district.

3-40 (i) A new district created by the division of the district
 3-41 shall hold a confirmation and directors' election.

3-42 (j) If the creation of the new district is confirmed, the
 3-43 new district shall provide the election date and results to the
 3-44 commission.

3-45 (k) A new district created by the division of the district
 3-46 must hold an election as required by this chapter to obtain voter
 3-47 approval before the district may impose a maintenance tax or issue
 3-48 bonds payable wholly or partly from ad valorem taxes.

3-49 (l) The district may continue to rely on confirmation,
 3-50 directors', bond, or tax elections held prior to the division.

3-51 (m) Municipal consent to the creation of the district and to
 3-52 the inclusion of land in the district acts as municipal consent to
 3-53 the creation of any new district created by the division of the
 3-54 district and to the inclusion of land in the new district.

3-55 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-56 Sec. 8008A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-57 The district may issue, without an election, bonds and other
 3-58 obligations secured by:

3-59 (1) revenue other than ad valorem taxes; or

3-60 (2) contract payments described by Section
 3-61 8008A.0403.

3-62 (b) The district must hold an election in the manner
 3-63 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-64 before the district may impose an ad valorem tax or issue bonds
 3-65 payable from ad valorem taxes.

3-66 (c) The district may not issue bonds payable from ad valorem
 3-67 taxes to finance a road project unless the issuance is approved by a
 3-68 vote of a two-thirds majority of the district voters voting at an
 3-69 election held for that purpose.

4-1 Sec. 8008A.0402. OPERATION AND MAINTENANCE TAX. (a) If
4-2 authorized at an election held under Section 8008A.0401, the
4-3 district may impose an operation and maintenance tax on taxable
4-4 property in the district in accordance with Section 49.107, Water
4-5 Code.

4-6 (b) The board shall determine the tax rate. The rate may not
4-7 exceed the rate approved at the election.

4-8 Sec. 8008A.0403. CONTRACT TAXES. (a) In accordance with
4-9 Section 49.108, Water Code, the district may impose a tax other than
4-10 an operation and maintenance tax and use the revenue derived from
4-11 the tax to make payments under a contract after the provisions of
4-12 the contract have been approved by a majority of the district voters
4-13 voting at an election held for that purpose.

4-14 (b) A contract approved by the district voters may contain a
4-15 provision stating that the contract may be modified or amended by
4-16 the board without further voter approval.

4-17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-18 Sec. 8008A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-19 OBLIGATIONS. The district may issue bonds or other obligations
4-20 payable wholly or partly from ad valorem taxes, impact fees,
4-21 revenue, contract payments, grants, or other district money, or any
4-22 combination of those sources, to pay for any authorized district
4-23 purpose.

4-24 Sec. 8008A.0502. TAXES FOR BONDS. At the time the district
4-25 issues bonds payable wholly or partly from ad valorem taxes, the
4-26 board shall provide for the annual imposition of a continuing
4-27 direct ad valorem tax, without limit as to rate or amount, while all
4-28 or part of the bonds are outstanding as required and in the manner
4-29 provided by Sections 54.601 and 54.602, Water Code.

4-30 Sec. 8008A.0503. BONDS FOR ROAD PROJECTS. At the time of
4-31 issuance, the total principal amount of bonds or other obligations
4-32 issued or incurred to finance road projects and payable from ad
4-33 valorem taxes may not exceed one-fourth of the assessed value of the
4-34 real property in the district.

4-35 SECTION 2. The Waller County Municipal Utility District
4-36 No. 55 initially includes all the territory contained in the
4-37 following area:

4-38 TRACT I:

4-39 A METES & BOUNDS description of a 1,009.43 acre tract of land
4-40 in the H. & T. C. Railroad Company Survey Section 123, Abstract 202,
4-41 Waller County, Texas, and the T. S. Reese Survey, Abstract 332,
4-42 Waller County, Texas, being comprised of portions of that certain
4-43 called 484.16 acre tract recorded under County Clerk's File Number
4-44 2111635, Official Public Records, Waller County, Texas, portions of
4-45 that certain called 320 acre tract, called 195.506 acre tract, and
4-46 called 11.98 acre tract recorded under County Clerk's File Number
4-47 2211947, Official Public Records, Waller County, Texas, with all
4-48 bearings based upon the Texas Coordinate System of 1983, South
4-49 Central Zone, based upon GPS observations.

4-50 Commencing at a point in the intersection of Morton Road and
4-51 Bartlett Road for the northeast corner of said H. & T. C. Railroad
4-52 Company Surveying Section 123, Abstract 202, same being the
4-53 southeast corner of the adjoining T. S. Reese Survey, Abstract 333,
4-54 and the northwest corner of the adjoining Fred Eule Survey,
4-55 Abstract 376, being the northwest corner of an adjoining called
4-56 81.8452 acre tract recorded in Volume 1012, Page 543, Official
4-57 Records, Waller County, Texas;

4-58 Thence South 02 degrees 06 minutes 07 seconds East along the
4-59 east line of said Section 123, same being the west line of said
4-60 adjoining Fred Eule Survey, Abstract 376, and the west line of said
4-61 adjoining called 81.8452 acre tract, as located in Bartlett Road,
4-62 1,981.19 feet to a point for the lower northeast corner of said
4-63 called 484.16 acre tract, for the lower northeast corner and Place
4-64 of Beginning of the herein described tract, said point being the
4-65 southeast corner of an adjoining called 10.00 acre tract recorded
4-66 under County Clerk's File Number 1809163, Official Public Records,
4-67 Waller County, Texas;

4-68 Thence South 02 degrees 06 minutes 07 seconds East along the
4-69 east line of the herein described tract and the east line of said

5-1 called 484.16 acre tract, same being the west line of said adjoining
 5-2 Fred Eule Survey, Abstract 376 and said adjoining called 81.8452
 5-3 acre tract, as located in Bartlett Road, at 477.77 feet pass a the
 5-4 southwest corner of said adjoining called 81.8452 acre tract, same
 5-5 being the northwest corner of the adjoining residue of a called
 5-6 40.8759 acre tract recorded in Volume 995, Page 449, Official
 5-7 Records, Waller County, Texas, at 1,193.40 feet pass the southwest
 5-8 corner of said adjoining residue of a called 40.8759 acre tract and
 5-9 the southwest corner of said adjoining Fred Eule Survey, Abstract
 5-10 376, same being the northwest corner of the adjoining W. I.
 5-11 Williamson Survey, Abstract 396, and the northwest corner of an
 5-12 adjoining called 10.2190 acre tract recorded under County Clerk's
 5-13 File Number 1600639, Official Public Records, Waller County, Texas,
 5-14 at 1,431.59 feet pass the southwest corner of said adjoining called
 5-15 10.2190 acre tract, same being the northwest corner of an adjoining
 5-16 called 80.02 acre tract recorded under County Clerk's File Number
 5-17 1501213, Official Public Records, Waller County, Texas, and
 5-18 continuing for a total distance of 3,298.28 feet to the southeast
 5-19 corner of the herein described tract, the southeast corner of said
 5-20 called 484.16 acre tract, and the southeast corner of said Section
 5-21 123, same being the southwest corner of said adjoining W. I.
 5-22 Williamson Survey, Abstract 396 and said adjoining called 80.02
 5-23 acre tract, the northwest corner of the adjoining H. & T. C.
 5-24 Railroad Company Survey Section 125, Abstract 203, being the
 5-25 northwest corner of an adjoining called 160.37 acre tract recorded
 5-26 in Volume 1384, Page 805, Official Records, Waller County, Texas,
 5-27 and the northeast corner of the adjoining T. S. Reese Survey,
 5-28 Abstract 334, being the northeast corner of an adjoining called 454
 5-29 acre tract recorded in Volume 553, Page 96, Official Records,
 5-30 Waller County, Texas;

5-31 Thence South 87 degrees 54 minutes 48 seconds West along the
 5-32 south line of the herein described tract, the south line of said
 5-33 called 484.16 acre tract, and the south line of said Section 123,
 5-34 same being the north line of said adjoining T. S. Reese Survey,
 5-35 Abstract 334, and said adjoining called 454 acre tract, 5,298.21
 5-36 feet to the southwest corner of said called 484.16 acre tract, and
 5-37 the southwest corner of said Section 123, same being the northwest
 5-38 corner of said adjoining T. S. Reese Survey, Abstract 334, and said
 5-39 adjoining called 454 acre tract, the northeast corner of the
 5-40 adjoining H. & T. C. Railroad Company Survey Section 108, Abstract
 5-41 295, being the northeast corner of an adjoining called 11.5164 acre
 5-42 tract recorded under County Clerk's File Number 1908706, Official
 5-43 Public Records, Waller County, Texas, and the southeast corner of
 5-44 said T. S. Reese Survey, Abstract 332, being the southeast corner of
 5-45 said called 195.506 acre tract;

5-46 Thence South 87 degrees 56 minutes 46 seconds West along the
 5-47 south line of the herein described tract, the south line of said
 5-48 called 195.506 acre tract, the south line of said called 320 acre
 5-49 tract, and the south line of said T. S. Reese Survey, Abstract 332,
 5-50 same being the north line of said adjoining H. & T. C. Railroad
 5-51 Company Survey Section 108, Abstract 295, the north line of said
 5-52 adjoining called 11.5164 acre tract, the north line of the
 5-53 adjoining Remington Trails Section Three, according to map or plat
 5-54 thereof recorded in Volume 658, Page. 396, Official Records, Waller
 5-55 County, Texas, and the north line of the adjoining Remington Trails
 5-56 Section Four, according to map or plat thereof recorded in Volume
 5-57 658, Page 398, Official Records, Waller County, Texas, 5,206.89
 5-58 feet to a point for the southwest corner of the herein described
 5-59 tract, being in the east right-of-way line of F. M. Highway 2855
 5-60 (103-feet wide this location);

5-61 Thence North 02 degrees 07 minutes 07 seconds West along the
 5-62 east right-of-way line of F. M. Highway 2855, 4,718.43 feet to an
 5-63 angle point;

5-64 Thence North 04 degrees 26 minutes 29 seconds West continuing
 5-65 along the east right-of-way line of F. M. Highway 2855, 529.56 feet
 5-66 to a point for the northwest corner of the herein described tract,
 5-67 being at the intersection of the east right-of-way line of F. M.
 5-68 Highway 2855 and the south right-of-way line of Morton Road (width
 5-69 varies);

6-1 Thence North 87 degrees 55 minutes 39 seconds East generally
6-2 along the approximate south right-of-way line of Morton Road,
6-3 969.07 feet to a point for corner;
6-4 Thence South 02 degrees 09 minutes 00 seconds East, 586.03
6-5 feet to a point for corner;
6-6 Thence North 88 degrees 02 minutes 55 seconds East, 365.38
6-7 feet to a point for corner;
6-8 Thence North 01 degree 55 minutes 52 seconds West, 586.82
6-9 feet to a point for corner;
6-10 Thence North 87 degrees 55 minutes 31 seconds East generally
6-11 along the approximate south right-of-way line of Morton Road,
6-12 1,261.15 feet to a point for the most westerly northeast corner of
6-13 the herein described tract, being in the east line of said called
6-14 320 acre tract, same being the west line of an adjoining called 120
6-15 acre tract recorded under County Clerk's File Number 2211948,
6-16 Official Public Records, Waller County, Texas;
6-17 Thence along the common line of the herein described tract
6-18 and said adjoining called 120 acre tract with the following courses
6-19 and distances:
6-20 South 02 degrees 06 minutes 39 seconds East, 2,610.83
6-21 feet;
6-22 North 87 degrees 53 minutes 27 seconds East, 1,343.38
6-23 feet;
6-24 North 02 degrees 26 minutes 26 seconds West, 408.72
6-25 feet;
6-26 North 02 degrees 35 minutes 36 seconds West, 909.75
6-27 feet;
6-28 North 87 degrees 53 minutes 20 seconds East, 1,304.79
6-29 feet to a point for a reentry corner to the herein described tract,
6-30 being in the east line of said T. S. Reese Survey, Abstract 332,
6-31 same being the west line of said H. & T. C. Railroad Company Survey
6-32 Section 123, Abstract 202;
6-33 Thence North 02 degrees 00 minutes 38 seconds West along the
6-34 east line of said T. S. Reese Survey, Abstract 332, same being the
6-35 west line of said H. & T. C. Railroad Company Survey Section 123,
6-36 Abstract 202, as located in an extension of Schlipf Road, 1,131.15
6-37 feet to a point for corner;
6-38 Thence North 88 degrees 03 minutes 18 seconds East along the
6-39 north line of said called 11.98 acre tract, same being the south
6-40 line of an adjoining called 1.360 acre tract recorded in Volume 388,
6-41 Page 517, Deed Records, Waller County, Texas, 395.12 feet to the
6-42 northeast corner of said called 11.98 acre tract, being in the west
6-43 line of an adjoining called 4.6202 acre tract recorded in Volume
6-44 388, Page 522, Deed Records, Waller County, Texas;
6-45 Thence South 02 degrees 09 minutes 53 seconds East along the
6-46 common line of said called 11.98 acre tract and said adjoining
6-47 called 4.6202 acre tract, 238.37 feet to the southwest corner of
6-48 said adjoining called 4.6202 acre tract;
6-49 Thence North 87 degrees 56 minutes 16 seconds East along the
6-50 common line of the herein described tract and said adjoining called
6-51 4.6202 acre tract, 505.12 feet to the southeast corner of said
6-52 adjoining called 4.6202 acre tract;
6-53 Thence North 02 degrees 03 minutes 34 seconds West continuing
6-54 along said common line, 400.21 feet to a point on said line at its
6-55 intersection with the south right-of-way line of Morton Road for
6-56 corner;
6-57 Thence North 87 degrees 57 minutes 01 second East along the
6-58 south right-of-way line of Morton Road, 956.64 feet to a point for
6-59 corner, being in the west line of the adjoining residue of a called
6-60 618 acre tract recorded in Volume 384, Page 846, Deed Records,
6-61 Waller County, Texas;
6-62 Thence along the common line of the herein described tract
6-63 and said adjoining residue of a called 618 acre tract with the
6-64 following courses and distances:
6-65 South 01 degree 11 minutes 27 seconds East, 1,761.82
6-66 feet;
6-67 South 89 degrees 58 minutes 42 seconds East, 368.50
6-68 feet;
6-69 South 01 degree 11 minutes 27 seconds East, 91.37 feet;

7-1 South 84 degrees 09 minutes 03 seconds East, 801.87
 7-2 feet;
 7-3 North 70 degrees 19 minutes 33 seconds East, 458.35
 7-4 feet;
 7-5 North 02 degrees 04 minutes 53 seconds West, 897.90
 7-6 feet;
 7-7 South 84 degrees 52 minutes 14 seconds East, 1,164.32
 7-8 feet to a point for corner, said point being in the west line of an
 7-9 adjoining called 4.9366 acre tract recorded in Volume 1434, Page
 7-10 650, Official Records, Waller County, Texas;
 7-11 Thence South 01 degree 58 minutes 26 seconds East along an
 7-12 easterly line of the herein described tract, same being the west
 7-13 line of said adjoining called 4.9366 acre tract, 203.39 feet to the
 7-14 southwest corner of said adjoining called 4.9366 acre tract;
 7-15 Thence North 88 degrees 00 minutes 41 seconds East along the
 7-16 south line of said adjoining called 4.9366 acre tract, 12.83 feet to
 7-17 the northwest corner of the aforementioned adjoining called 10.00
 7-18 acre tract;
 7-19 Thence South 02 degrees 06 minutes 07 seconds East along the
 7-20 common line of the herein described tract and said adjoining called
 7-21 10.00 acre tract, 660.00 feet to the southwest corner of said
 7-22 adjoining called 10.00 acre tract;
 7-23 Thence North 87 degrees 59 minutes 52 seconds East continuing
 7-24 along said common line, 694.99 feet to the Place of Beginning and
 7-25 containing 1,009.43 acres of land,
 7-26 SAVE & EXCEPT the following tract:
 7-27 A 10.30 acre tract of land in the H. & T. C. Railroad Company
 7-28 Survey Section 123, Abstract 202, Waller County, Texas, being that
 7-29 certain called 10.302 acre tract recorded in Volume 667, Page 566,
 7-30 Deed Records, Waller County, Texas, with all bearing based on the
 7-31 Texas Coordinate System of 1983, South Central Zone, based upon GPS
 7-32 observations.
 7-33 Commencing at the above-described southwest corner of the
 7-34 aforementioned called 484.16 acre tract, and the southwest corner
 7-35 of said Section 123, same being the northwest corner of the
 7-36 adjoining T. S. Reese Survey, Abstract 334, and the aforementioned
 7-37 adjoining called 454 acre tract, the northeast corner of the
 7-38 adjoining H. & T. C. Railroad Company Survey Section 108, Abstract
 7-39 295, being the northeast corner of the aforementioned adjoining
 7-40 called 11.5164 acre tract, and the southeast corner of said T. S.
 7-41 Reese Survey, Abstract 332, being the southeast corner of the
 7-42 aforementioned called 195.506 acre tract;
 7-43 Thence North 02 degrees 00 minutes 38 seconds West along the
 7-44 west line of said called 484.16 acre tract, and the west line of
 7-45 said Section 123, same being the east line of said T. S. Reese
 7-46 Survey, Abstract 332, and the east line of said called 195.506 acre
 7-47 tract, as located in and along an apparent extension of Schlipf
 7-48 Road, 1,465.60 feet to a point on said line;
 7-49 Thence North 87 degrees 59 minutes 23 seconds East departing
 7-50 said line, 25.00 feet to the southwest corner of the aforementioned
 7-51 called 10.302 acre tract for the southwest corner and Place of
 7-52 Beginning of the herein described 10.30 acre Save & Except tract;
 7-53 Thence North 87 degrees 59 minutes 23 seconds East along the
 7-54 south line of said called 10.302 acre tract, 660.00 feet to the
 7-55 southeast corner of said called 10.302 acre tract;
 7-56 Thence North 05 degrees 15 minutes 05 seconds West along the
 7-57 east line of said adjoining called 10.302 acre tract, 560.66 feet to
 7-58 an angle point;
 7-59 Thence North 18 degrees 08 minutes 16 seconds West continuing
 7-60 along said line, 151.08 feet to the northeast corner of said called
 7-61 10.302 acre tract;
 7-62 Thence South 88 degrees 00 minutes 36 seconds West along the
 7-63 north line of said called 10.302 acre tract, 586.34 feet to the
 7-64 northwest corner of said called 10.302 acre tract;
 7-65 Thence South 02 degrees 00 minutes 38 seconds East along the
 7-66 west line of said called 10.302 acre tract, 705.10 feet to the Place
 7-67 of Beginning and containing 10.30 acres of land, for a net acreage
 7-68 of 999.13 acres of land, more or less.
 7-69 TRACT II:

8-1 A METES & BOUNDS description of a 130.64 acre tract of land in
 8-2 the H. & T. C. Railroad Company Survey Section 109, Abstract 171,
 8-3 Waller County, Texas, being that certain called 130.647 acre tract
 8-4 recorded under County Clerk's File Number 2110116, Official Public
 8-5 Records, Waller County, Texas, with all bearings based upon the
 8-6 Texas Coordinate System of 1983, South Central Zone, based upon GPS
 8-7 observations.

8-8 Beginning at the southwest corner of said called 130.647 acre
 8-9 tract, being at the intersection of the north right-of-way line of
 8-10 Morton Road and the east right-of-way line of F. M. Highway 2855,
 8-11 for the southwest corner and Place of Beginning of the herein
 8-12 described tract;

8-13 Thence North 02 degrees 00 minutes 01 second West along the
 8-14 west line of said called 130.647 acre tract, same being the east
 8-15 right-of-way line of F. M. Highway 2855, 2,620.88 feet to the
 8-16 northwest corner of said called 130.647 acre tract, same being the
 8-17 southwest corner of an adjoining called 217.545 acre tract recorded
 8-18 under County Clerk's File Number 1909653, Official Public Records,
 8-19 Waller County, Texas;

8-20 Thence North 88 degrees 00 minutes 31 seconds East along the
 8-21 upper north line of said called 130.647 acre tract, same being the
 8-22 south line of said adjoining called 217.5458 tract, 1,688.80 feet
 8-23 to the northwest corner of an adjoining called 25.00 acre tract
 8-24 recorded in Volume 1301, Page 590, Official Public Records, Waller
 8-25 County, Texas;

8-26 Thence South 01 degree 59 minutes 35 seconds East along the
 8-27 west line of said adjoining called 25.00 acre tract, 1,210.00 feet
 8-28 to the southwest corner of said adjoining called 25.00 acre tract;

8-29 Thence North 88 degrees 02 minutes 06 seconds East along the
 8-30 south line of said adjoining called 25.00 acre tract, 900.03 feet to
 8-31 the southeast corner of said adjoining called 25.00 acre tract,
 8-32 being in the west line of an adjoining called 58.96 acre tract
 8-33 recorded under County Clerk's File Number 1909457, Official Public
 8-34 Records, Waller County, Texas;

8-35 Thence South 02 degrees 00 minutes 07 seconds East along the
 8-36 west line of said adjoining called 58.96 acre tract, 1,406.71 feet
 8-37 to the southwest corner of said adjoining called 58.96 acre tract,
 8-38 same being the southeast corner of said called 130.647 acre tract,
 8-39 and being in the north right-of-way line of Morton Road;

8-40 Thence South 87 degrees 55 minutes 32 seconds West along the
 8-41 north right-of-way line of Morton Road, 2,588.72 feet to the Place
 8-42 of Beginning and containing 130.64 acres of land, more or less.

8-43 SECTION 3. (a) The legal notice of the intention to
 8-44 introduce this Act, setting forth the general substance of this
 8-45 Act, has been published as provided by law, and the notice and a
 8-46 copy of this Act have been furnished to all persons, agencies,
 8-47 officials, or entities to which they are required to be furnished
 8-48 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 8-49 Government Code.

8-50 (b) The governor, one of the required recipients, has
 8-51 submitted the notice and Act to the Texas Commission on
 8-52 Environmental Quality.

8-53 (c) The Texas Commission on Environmental Quality has filed
 8-54 its recommendations relating to this Act with the governor, the
 8-55 lieutenant governor, and the speaker of the house of
 8-56 representatives within the required time.

8-57 (d) All requirements of the constitution and laws of this
 8-58 state and the rules and procedures of the legislature with respect
 8-59 to the notice, introduction, and passage of this Act are fulfilled
 8-60 and accomplished.

8-61 SECTION 4. (a) If this Act does not receive a two-thirds
 8-62 vote of all the members elected to each house, Subchapter C, Chapter
 8-63 8008A, Special District Local Laws Code, as added by Section 1 of
 8-64 this Act, is amended by adding Section 8008A.0307 to read as
 8-65 follows:

8-66 Sec. 8008A.0307. NO EMINENT DOMAIN POWER. The district may
 8-67 not exercise the power of eminent domain.

8-68 (b) This section is not intended to be an expression of a
 8-69 legislative interpretation of the requirements of Section 17(c),

9-1 Article I, Texas Constitution.

9-2 SECTION 5. This Act takes effect immediately if it receives
9-3 a vote of two-thirds of all the members elected to each house, as
9-4 provided by Section 39, Article III, Texas Constitution. If this
9-5 Act does not receive the vote necessary for immediate effect, this
9-6 Act takes effect September 1, 2023.

9-7

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