

AN ACT

relating to the creation of the Fort Bend County Water Control and Improvement District No. 11; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9064 to read as follows:

CHAPTER 9064. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 11

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9064.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Fort Bend County Water Control and Improvement District No. 11.

Sec. 9064.0102. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9064.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 9064.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 9064.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district as required by
8 applicable law.

9 Sec. 9064.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

12 (1) a water control and improvement district as
13 provided by general law and Section 59, Article XVI, Texas
14 Constitution, with respect to the gathering, conducting,
15 diverting, and control of local storm water or other harmful
16 excesses of water; and

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

21 Sec. 9064.0106. INITIAL DISTRICT TERRITORY. (a) The
22 district is initially composed of the territory described by
23 Section 2 of the Act enacting this chapter.

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

1 (1) organization, existence, or validity;

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

5 (3) right to impose a tax; or

6 (4) legality or operation.

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 9064.0201. GOVERNING BODY; TERMS. (a) The district is
9 governed by a board of five elected directors.

10 (b) Except as provided by Section 9064.0202, directors
11 serve staggered four-year terms.

12 Sec. 9064.0202. TEMPORARY DIRECTORS. (a) On or after the
13 effective date of the Act enacting this chapter, the owner or owners
14 of a majority of the assessed value of the real property in the
15 district may submit a petition to the commission requesting that
16 the commission appoint as temporary directors the five persons
17 named in the petition. The commission shall appoint as temporary
18 directors the five persons named in the petition.

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

20 (1) the date permanent directors are elected under
21 Section 9064.0103; or

22 (2) the fourth anniversary of the effective date of
23 the Act enacting this chapter.

24 (c) If permanent directors have not been elected under
25 Section 9064.0103 and the terms of the temporary directors have
26 expired, successor temporary directors shall be appointed or
27 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Section 9064.0103; or

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

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

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 9064.0301. GENERAL POWERS AND DUTIES. The district
15 has the powers and duties necessary to accomplish the purposes for
16 which the district is created.

17 Sec. 9064.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
18 POWERS AND DUTIES. (a) The district has the powers and duties
19 provided by the general law of this state applicable to water
20 control and improvement districts created under Section 59, Article
21 XVI, Texas Constitution, including Chapters 49 and 51, Water Code,
22 and specifically including the powers and duties authorized under
23 Subchapter H, Chapter 51, Water Code.

24 (b) Notwithstanding any other law, the district may not
25 construct, finance, own, or operate facilities necessary to provide
26 water or sanitary sewer services.

27 Sec. 9064.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

1 52, Article III, Texas Constitution, the district may design,
2 acquire, construct, finance, issue bonds for, improve, operate,
3 maintain, and convey to this state, a county, or a municipality for
4 operation and maintenance macadamized, graveled, or paved roads, or
5 improvements, including storm drainage, in aid of those roads.

6 Sec. 9064.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
7 road project must meet all applicable construction standards,
8 zoning and subdivision requirements, and regulations of each
9 municipality in whose corporate limits or extraterritorial
10 jurisdiction the road project is located.

11 (b) If a road project is not located in the corporate limits
12 or extraterritorial jurisdiction of a municipality, the road
13 project must meet all applicable construction standards,
14 subdivision requirements, and regulations of each county in which
15 the road project is located.

16 (c) If the state will maintain and operate the road, the
17 Texas Transportation Commission must approve the plans and
18 specifications of the road project.

19 Sec. 9064.0305. COMPLIANCE WITH MUNICIPAL CONSENT
20 ORDINANCE OR RESOLUTION. The district shall comply with all
21 applicable requirements of any ordinance or resolution that is
22 adopted under Section 42.042 or 42.0425, Local Government Code, and
23 consents to the creation of the district or to the inclusion of land
24 in the district.

25 Sec. 9064.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
26 district may not exercise the power of eminent domain outside the
27 district boundaries to acquire a site or easement for:

- 1 (1) a road project authorized by Section 9064.0303; or
2 (2) a recreational facility as defined by Section
3 49.462, Water Code.

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 9064.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

6 The district may issue, without an election, bonds and other
7 obligations secured by:

- 8 (1) revenue other than ad valorem taxes; or
9 (2) contract payments described by Section 9064.0403.

10 (b) The district must hold an election in the manner
11 provided by Chapters 49 and 51, Water Code, to obtain voter approval
12 before the district may impose an ad valorem tax or issue bonds
13 payable from ad valorem taxes.

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

18 Sec. 9064.0402. OPERATION AND MAINTENANCE TAX. (a) If
19 authorized at an election held under Section 9064.0401, the
20 district may impose an operation and maintenance tax on taxable
21 property in the district in accordance with Section 49.107, Water
22 Code.

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

25 Sec. 9064.0403. CONTRACT TAXES. (a) In accordance with
26 Section 49.108, Water Code, the district may impose a tax other than
27 an operation and maintenance tax and use the revenue derived from

1 the tax to make payments under a contract after the provisions of
2 the contract have been approved by a majority of the district voters
3 voting at an election held for that purpose.

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

7 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

8 Sec. 9064.0501. AUTHORITY TO ISSUE BONDS AND OTHER
9 OBLIGATIONS. The district may issue bonds or other obligations
10 payable wholly or partly from ad valorem taxes, impact fees,
11 revenue, contract payments, grants, or other district money, or any
12 combination of those sources, to pay for any authorized district
13 purpose.

14 Sec. 9064.0502. TAXES FOR BONDS. At the time the district
15 issues bonds payable wholly or partly from ad valorem taxes, the
16 board shall provide for the annual imposition of a continuing
17 direct ad valorem tax, without limit as to rate or amount, while all
18 or part of the bonds are outstanding as required and in the manner
19 provided by Chapter 51, Water Code.

20 Sec. 9064.0503. BONDS FOR ROAD PROJECTS. At the time of
21 issuance, the total principal amount of bonds or other obligations
22 issued or incurred to finance road projects and payable from ad
23 valorem taxes may not exceed one-fourth of the assessed value of the
24 real property in the district.

25 Sec. 9064.0504. BONDS FOR RECREATIONAL FACILITIES. (a)
26 The district may develop recreational facilities and issue bonds
27 for recreational facilities as provided by Chapter 49, Water Code,

1 regardless of whether the district's territory overlaps with the
2 territory of a political subdivision that is authorized to develop
3 recreational facilities and issue bonds for recreational
4 facilities under Chapter 49, Water Code.

5 (b) The authority of the district to develop recreational
6 facilities and issue bonds for recreational facilities under this
7 section does not limit the authority of another political
8 subdivision whose territory the territory of the district may
9 overlap, wholly or partly, to develop recreational facilities and
10 issue bonds for recreational facilities under Chapter 49, Water
11 Code.

12 SECTION 2. The Fort Bend County Water Control and
13 Improvement District No. 11 initially includes all the territory
14 contained in the following area:

15 Being a 721.9 acre tract of land (Tract A) located in the W.
16 Morton Survey, A-62, an 812.1 acre tract of land (Tract B), a 79.97
17 acre tract of land (Tract C) and a 3.019 acre tract of land (Tract D)
18 located in the J. Wilkins Survey, A-96 and the J.H. Cartwright
19 Survey, A-16 in Fort Bend County, Texas; said 721.9 acre tract being
20 all of the remainder of "TRACT 3" (called 575.744 acres) and all of
21 "TRACT 4" (called 49.1434 acres) recorded in Clerk's File Number
22 9632563 of the Official Records of Fort Bend County (O.R.F.B.C.),
23 all of a called 103.039 acre tract of land recorded as "TRACT THREE"
24 in Clerk's File Number 2018058651 of the O.R.F.B.C., and all of the
25 remainder of a called 19.4224 acre tract of land recorded in Clerk's
26 File Number 2002071030 of the O.R.F.B.C.; said 812.1 acre tract
27 being all of a called 317.812 acre tract of land and all of a called

1 186.183 acre tract of land recorded in Clerk's File Number
2 2018058651 of the O.R.F.B.C., and all of "TRACT 9" (called 307.968
3 acres) recorded in Clerks File Number 9632563 of the O.R.F.B.C.,
4 said 79.97 acre tract being all of a called 79.967 acre tract of
5 land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C.,
6 and said 3.019 acre tract being all of a called 3.019 acre tract of
7 land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C.;
8 said tracts being more particularly described by metes and bounds
9 as follows (all bearings are based on the Texas Coordinate System,
10 South Central Zone):

11 TRACT "A": 721.9 ACRES

12 Beginning at a 5/8-inch iron rod found for the northwest
13 corner of said 575.744 acre tract and the southwest corner of
14 Plantation Crossing, a subdivision recorded in Slide Number 2047A
15 of the Fort Bend County Plat Records (F.B.C.P.R.), same being on the
16 east line of the Replat of Pecan Grove Plantation Section 5, a
17 subdivision recorded in Slide Number 685A of the F.B.C.P.R.;

18 1. Thence, with the common line of said 575.744 acre tract
19 and said Plantation Crossing and the south line of Reserve "B-2" of
20 Plantation Crossing Subdivision Partial Replat No. 1 of
21 Unrestricted Reserve "B", a subdivision recorded in Plat Number
22 20100032 of the F.B.C.P.R., North 87 degrees 38 minutes 06 seconds
23 East, a distance of 1,888.98 feet to a 5/8-inch iron rod (bent)
24 found at the northeast corner of said 575.744 acre tract and the
25 southeast corner of said Plantation Crossing, same being on the
26 west Right-of-Way (R.O.W.) line of Harlem Road (width
27 varies-minimum 140-feet wide) as recorded in Volume 63, Page 203 of

1 the Fort Bend County Deed Records (F.B.C.D.R.) and in Clerk's File
2 Numbers 2010100611, 2011015402 and 2011015403 of the O.R.F.B.C.;

3 Thence, with said west R.O.W. line, the following four (4)
4 courses:

5 2. South 03 degrees 26 minutes 34 seconds East, a distance
6 of 1,780.95 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
7 INC" set;

8 3. South 02 degrees 54 minutes 24 seconds East, a distance
9 of 599.47 feet to a 5/8-inch iron rod with cap stamped "LANDTECH"
10 found;

11 4. South 02 degrees 21 minutes 25 seconds East, a distance
12 of 329.14 feet to a 5/8-inch iron rod with cap stamped "LANDTECH"
13 found;

14 5. South 02 degrees 07 minutes 07 seconds East, a distance
15 of 2,791.77 feet to a 3/4-inch iron rod with cap stamped "WEISSER
16 ENG" found at the northeast corner of a called 2.817 acre tract of
17 land recorded in Clerk's File Number 2021161425 of the O.R.F.B.C.;

18 6. Thence, with the north line of said 2.817 acre tract,
19 South 87 degrees 51 minutes 34 seconds West, a distance of 875.94
20 feet to a 3/4-inch iron rod with cap stamped "WEISSER ENG" found at
21 the northwest corner of said 2.817 acre tract, same being on the
22 east line of aforesaid 103.039 acre tract;

23 7. Thence, with the common line of said 2.817 acre tract and
24 said 103.039 acre tract, South 01 degrees 46 minutes 00 seconds
25 East, a distance of 139.87 feet to a 1/2-inch iron rod found at the
26 southwest corner of said 2.817 acre tract and the northwest corner
27 of a called 10.00 acre tract of land recorded in Volume 2491, Page

1 256 of the F.B.C.D.R.;

2 8. Thence, with the common line of said 103.039 acre tract
3 and said 10.00 acre tract, South 01 degrees 53 minutes 54 seconds
4 East, a distance of 496.44 feet to a 1-inch iron pipe found at the
5 southwest corner of said 10.00 acre tract and the northwest corner
6 of aforesaid 49.1434 acre tract;

7 9. Thence, with the common line of said 10.00 acre tract and
8 said 49.1434 acre tract, North 87 degrees 52 minutes 26 seconds
9 East, a distance of 878.71 feet to a 5/8-inch iron rod found at the
10 southeast corner of said 10.00 acre tract and the northeast corner
11 of said 49.1434 acre tract, same being on the west R.O.W. line of
12 aforesaid Harlem Road;

13 10. Thence, with said west R.O.W. line, South 02 degrees 07
14 minutes 07 seconds East, a distance of 2,470.38 feet to a 5/8-inch
15 iron rod with cap stamped "WINDROSE" found at the southeast corner
16 of said 49.1434 acre tract and the northeast corner of a called
17 6.170 acre tract of land recorded in Clerk's File Number 2013073107
18 of the O.R.F.B.C.;

19 11. Thence, with the common line of said 49.1434 acre tract
20 and said 6.170 acre tract and with the north line of the remainder
21 of a called 6.555 acre tract of land recorded in Clerk's File Number
22 2008022579 of the O.R.F.B.C., South 87 degrees 54 minutes 25
23 seconds West, a distance of 887.56 feet to a 3-inch iron pipe found
24 at the southwest corner of said 49.1434 acre tract and the northwest
25 corner of said 6.555 acre tract, same being on the east line of
26 aforesaid 103.039 acre tract;

27 12. Thence, with the common line of said 103.039 acre tract

1 and said 6.555 acre tract and with the west line of said 6.170 acre
2 tract, South 01 degrees 54 minutes 40 seconds East, a distance of
3 372.49 feet to a 3/4-inch iron rod found at the southeast corner of
4 said 103.039 acre tract and the southwest corner of said 6.170 acre
5 tract, same being on the north line of the Union Pacific Railroad
6 tract (100-feet wide) as recorded in Volume 15, Page 218, Volume 59,
7 Page 315, Volume 64, Page 182 and Volume 95, Page 24 of the
8 F.B.C.D.R;

9 13. Thence, with the common line of said Railroad tract and
10 said 103.039 acre tract and with the south line of aforesaid 575.744
11 acre tract, South 81 degrees 27 minutes 29 seconds West, a distance
12 of 5,473.20 feet to a 1-inch iron pipe found on the east R.O.W. line
13 of Pitts Road (width varies) as recorded in Clerk's File Number
14 9509356 of the O.R.F.B.C.;

15 14. Thence, with said east R.O.W. line, North 02 degrees 09
16 minutes 49 seconds West, a distance of 3,187.67 feet to a 1-inch
17 iron pipe (bent) found on the common line of aforesaid 575.744 acre
18 tract and a called 39.8846 acre tract of land recorded in Volume
19 2166, Page 1939 of the O.R.F.B.C.;

20 15. Thence, with said common line, North 89 degrees 03
21 minutes 34 seconds East, a distance of 1,465.14 feet to a 1-inch
22 iron pipe found at the southeast corner of said 39.8846 acre tract
23 and the southwest corner of a called 4.6051 acre tract of land
24 recorded in Clerk's File Number 2005101569 of the O.R.F.B.C.;

25 16. Thence with the common line of said 575.744 acre tract
26 and said 4.6051 acre tract and with the south line of a called
27 3.7506 acre tract of land and a called 3.7803 acre tract of land

1 also recorded in Clerk's File Number 2005101569 of the O.R.F.B.C.,
2 North 88 degrees 53 minutes 30 seconds East, a distance of 759.44
3 feet to a 1-inch iron pipe found at the southeast corner of said
4 3.7803 acre tract and the southwest corner of The Grove Section 5, a
5 subdivision recorded in Slide Number 554A of the F.B.C.P.R.;

6 17. Thence, with the common line of said subdivision and
7 said 575.744 acre tract and with the south line of a called 22.0959
8 acre tract of land recorded in Clerk's File Number 2015102372 of the
9 O.R.F.B.C., North 88 degrees 51 minutes 35 seconds East, a distance
10 of 1,637.79 feet to a 5/8-inch iron rod with cap stamped "COTTON
11 SURVEYING" found at the southeast corner of said 22.0959 acre
12 tract;

13 Thence, with the east line of said 22.0959 acre tract, the
14 following three (3) courses:

15 18. North 02 degrees 37 minutes 41 seconds West, a distance
16 of 4,075.39 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
17 INC" set;

18 19. North 87 degrees 13 minutes 51 seconds East, a distance
19 of 599.62 feet to a 5/8-inch iron rod with cap found;

20 20. North 03 degrees 14 minutes 20 seconds West, a distance
21 of 513.53 feet to a 1/2-inch iron pipe found at the northeast corner
22 of said 22.0959 acre tract and the southeast corner of Pecan Grove
23 Plantation Section 4, a subdivision recorded in Volume 27, Page 6 of
24 the F.B.C.P.R., same being on the west line of aforesaid 575.744
25 acre tract;

26 21. Thence, with the common line of said 575.744 acre tract
27 and said subdivision and with the east line of aforesaid Pecan Grove

1 Plantation Section 5, North 02 degrees 52 minutes 04 seconds West, a
2 distance of 1,872.48 feet to the Point of Beginning and containing
3 721.9 acres of land.

4 TRACT B: 812.1 ACRES

5 Beginning at a 5/8-inch iron rod found for the northwest
6 corner of aforesaid 317.812 acre tract and the southwest corner of a
7 called 145.368 acre tract of land recorded in Clerk's File Number
8 2017087205 of the O.R.F.B.C., same being on the east R.O.W. line of
9 aforesaid Harlem Road;

10 1. Thence, with the north line of said 317.812 acre tract,
11 the north line of aforesaid 307.968 acre tract, the north line of
12 aforesaid 186.183 acre tract, the south line of said 145.368 acre
13 tract and the south line of a called 143.287 acre tract recorded in
14 said Clerk's File Number 2017087205 of the O.R.F.B.C., North 86
15 degrees 48 minutes 57 seconds East, a distance of 6,884.55 feet to a
16 5/8-inch iron rod found at the northeast corner of said 186.183 acre
17 tract and the southeast corner of said 143.287 acre tract, same
18 being on the west R.O.W. line of the Grand Parkway (Highway 99)
19 (width varies) as recorded in Clerk's File Number 9830483 of the
20 O.R.F.B.C.;

21 Thence, with said west R.O.W. line, the following six (6)
22 courses:

23 2. South 42 degrees 12 minutes 55 seconds East, a distance
24 of 228.10 feet to a TXDOT Disc found;

25 3. 1,560.21 feet along the arc of a curve to the right, said
26 curve having a central angle of 16 degrees 01 minutes 18 seconds, a
27 radius of 5,579.59 feet and a chord that bears South 34 degrees 12

1 minutes 17 seconds East, a distance of 1,555.13 feet to TXDOT Disc
2 found;

3 4. South 26 degrees 11 minutes 38 seconds East, a distance
4 of 788.16 feet to a 1/2-iron rod found;

5 5. South 88 degrees 31 minutes 13 seconds West, a distance
6 of 66.04 feet to a TXDOT Disc found;

7 6. South 26 degrees 12 minutes 25 seconds East, a distance
8 of 1,235.45 feet to a TXDOT Disc found;

9 7. South 17 degrees 52 minutes 00 seconds East, at a
10 distance of 560.55 feet passing a 5/8-inch iron rod with cap found
11 and continuing for a total distance of 621.35 feet to the southeast
12 corner of aforesaid 186.183 acre tract, same being on the north line
13 of aforesaid Union Pacific Railroad (75-foot wide) as recorded in
14 Volume 15, Page 218, Volume 59, Page 315, Volume 59, Page 183 and
15 Volume 95, Page 24 of the F.B.C.D.R;

16 8. Thence, with the common line of said 186.183 acre tract
17 and said Railroad tract and with the south line of aforesaid 307.968
18 acre tract and aforesaid 317.812 acre tract, South 81 degrees 27
19 minutes 54 seconds West, a distance of 8,839.89 feet to a 5/8-inch
20 iron rod with cap stamped "COSTELLO INC" set for the southwest
21 corner of said 317.812 acre tract, being on the east R.O.W. line of
22 aforesaid Harlem Road;

23 9. Thence, with said east R.O.W. line, North 02 degrees 07
24 minutes 07 seconds West, a distance of 4,796.72 feet to the Point of
25 Beginning and containing 812.1 acres of land.

26 TRACT C: 79.97 ACRES

27 Beginning at the northwest corner of aforesaid 79.967 acre

1 tract and the southwest corner of Windsor Estates Sec 3, a
2 subdivision recorded in Plat Number 20140040 of the F.B.C.P.R.,
3 same being on the northeasterly R.O.W. line of aforesaid Grand
4 Parkway, from which a 5/8-inch iron rod found bears S58°28'30"E ~
5 0.60';

6 1. Thence, with the north line of said 79.967 acre tract,
7 the south line of said Sec 3 and the south line of Windsor Estates
8 Sec 1, a subdivision recorded in Plat Number 20130085 of the
9 F.B.C.P.R., North 86 degrees 48 minutes 57 seconds East, a distance
10 of 2,061.83 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
11 INC" set at the northeast corner of said 79.967 acre tract, same
12 being on the west R.O.W. line of F.M. 1464 (width varies) as
13 recorded in Clerk's File Numbers 2010065925, 2010067366 and
14 2010054458 of the O.R.F.B.C.;

15 Thence, with said west R.O.W. line, the following eight (8)
16 courses:

17 2. South 02 degrees 29 minutes 10 seconds East, a distance
18 of 1,931.46 feet to a 5/8-inch iron rod found;

19 3. South 87 degrees 34 minutes 52 seconds West, a distance
20 of 238.37 feet to a 5/8-inch iron rod found (bent);

21 4. South 02 degrees 28 minutes 00 seconds East, a distance
22 of 373.47 feet to a TXDOT Disc found;

23 5. South 58 degrees 47 minutes 14 seconds East, a distance
24 of 204.28 feet to a 5/8-inch iron rod with cap (bent) found;

25 6. South 02 degrees 27 minutes 37 seconds East, a distance
26 of 318.23 feet to a 5/8-inch iron rod found;

27 7. South 25 degrees 12 minutes 50 seconds East, a distance

1 of 137.03 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
2 INC" set;

3 8. South 02 degrees 27 minutes 37 seconds East, a distance
4 of 64.38 feet to a 5/8-inch iron rod found that bears S61°52'50"E ~
5 1.0';

6 9. 483.56 feet along the arc of a curve to the right, said
7 curve having a central angle of 65 degrees 11 minutes 24 seconds, a
8 radius of 425.00 feet and a chord that bears South 48 degrees 38
9 minutes 51 seconds West, a distance of 457.89 feet to the east
10 R.O.W. line of aforesaid Grand Parkway, from which a TXDOT Disc
11 found bears N77°48'02"E ~ 0.7';

12 Thence, with the east R.O.W. line of said Grand Parkway, the
13 following four (4) courses:

14 10. North 26 degrees 12 minutes 25 seconds West, a distance
15 of 1,046.40 feet to a TXDOT Disc found;

16 11. South 88 degrees 31 minutes 13 seconds West, a distance
17 of 44.09 feet to a TXDOT Disc found;

18 12. North 26 degrees 11 minutes 38 seconds West, a distance
19 of 926.23 feet to a TXDOT Disc found;

20 13. 1,629.01 feet along the arc of a curve to the left, said
21 curve having a central angle of 15 degrees 52 minutes 28 seconds, a
22 radius of 5,879.59 feet and a chord that bears North 34 degrees 07
23 minutes 52 seconds West, a distance of 1,623.81 feet to the Point of
24 Beginning and containing 79.97 acres of land.

25 TRACT D: 3.019 ACRES

26 Beginning at a TXDOT Disc found for at north end of a cutback
27 at the intersection of the southeast R.O.W. line of aforesaid F.M.

1 1464 with the east R.O.W. line of aforesaid Grand Parkway and being
2 a northwest corner of aforesaid 3.019 acre tract;

3 Thence, with the southeast R.O.W. line of said F.M. 1464, the
4 following seven (7) courses:

5 1. 294.49 feet along the arc of a curve to the left, said
6 curve having a central angle of 30 degrees 46 minutes 40 seconds, a
7 radius of 548.22 feet and a chord that bears North 66 degrees 01
8 minutes 51 seconds East, a distance of 290.96 feet to a TXDOT Disc
9 found;

10 2. South 89 degrees 19 minutes 20 seconds East, a distance
11 of 44.86 feet to a TXDOT Disc found;

12 3. South 47 degrees 43 minutes 32 seconds East, a distance
13 of 33.66 feet to a 5/8-inch iron rod found that bears N75°36'31"W ~
14 1.5';

15 4. South 02 degrees 21 minutes 21 seconds East, a distance
16 of 204.21 feet to a 5/8-inch iron rod found;

17 5. South 04 degrees 43 minutes 36 seconds East, a distance
18 of 239.96 feet to a TXDOT Disc found;

19 6. South 38 degrees 30 minutes 36 seconds West, a distance
20 of 87.66 feet to a TXDOT Disc found;

21 7. South 81 degrees 19 minutes 35 seconds West, a distance
22 of 89.98 feet to a 5/8-inch iron rod found in concrete at the east
23 R.O.W. line of aforesaid Grand Parkway;

24 8. Thence, with said east R.O.W. line, North 32 degrees 31
25 minutes 32 seconds West, a distance of 451.59 feet to a 5/8-inch
26 iron rod with cap stamped "COSTELLO INC" set at the south end of
27 aforesaid cutback line;

1 Thence, with said cutback line, North 24 degrees 27 minutes
2 31 seconds East, a distance of 54.43 feet to the Point of Beginning
3 and containing 3.019 acres of land.

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

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

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

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

22 SECTION 4. (a) Section 9064.0306, Special District Local
23 Laws Code, as added by Section 1 of this Act, takes effect only if
24 this Act receives a two-thirds vote of all the members elected to
25 each house.

26 (b) If this Act does not receive a two-thirds vote of all the
27 members elected to each house, Subchapter C, Chapter 9064, Special

1 District Local Laws Code, as added by Section 1 of this Act, is
2 amended by amending Section 9064.0306 to read as follows:

3 Sec. 9064.0306. NO EMINENT DOMAIN POWER. The district may
4 not exercise the power of eminent domain.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 5395 was passed by the House on May 6, 2023, by the following vote: Yeas 101, Nays 33, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 5395 was passed by the Senate on May 21, 2023, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor