

1-1 By: Lalani (Senate Sponsor - Kolckhorst) H.B. No. 5395  
 1-2 (In the Senate - Received from the House May 8, 2023;  
 1-3 May 9, 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				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

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

1-19 relating to the creation of the Fort Bend County Water Control and  
 1-20 Improvement District No. 11; granting a limited power of eminent  
 1-21 domain; providing authority to issue bonds; providing authority to  
 1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
 1-25 Code, is amended by adding Chapter 9064 to read as follows:

1-26 CHAPTER 9064. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT  
 1-27 DISTRICT NO. 11

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 9064.0101. DEFINITIONS. In this chapter:

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

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

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

1-34 (4) "District" means the Fort Bend County Water  
 1-35 Control and Improvement District No. 11.

1-36 Sec. 9064.0102. NATURE OF DISTRICT. The district is a water  
 1-37 control and improvement district created under Section 59, Article  
 1-38 XVI, Texas Constitution.

1-39 Sec. 9064.0103. CONFIRMATION AND DIRECTOR ELECTION  
 1-40 REQUIRED. The temporary directors shall hold an election to  
 1-41 confirm the creation of the district and to elect five permanent  
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 9064.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-44 temporary directors may not hold an election under Section  
 1-45 9064.0103 until each municipality in whose corporate limits or  
 1-46 extraterritorial jurisdiction the district is located has  
 1-47 consented by ordinance or resolution to the creation of the  
 1-48 district and to the inclusion of land in the district as required by  
 1-49 applicable law.

1-50 Sec. 9064.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

1-53 (1) a water control and improvement district as  
 1-54 provided by general law and Section 59, Article XVI, Texas  
 1-55 Constitution, with respect to the gathering, conducting,  
 1-56 diverting, and control of local storm water or other harmful  
 1-57 excesses of water; and

1-58 (2) Section 52, Article III, Texas Constitution, that  
 1-59 relate to the construction, acquisition, improvement, operation,  
 1-60 or maintenance of macadamized, graveled, or paved roads, or  
 1-61 improvements, including storm drainage, in aid of those roads.

2-1 Sec. 9064.0106. INITIAL DISTRICT TERRITORY. (a) The  
 2-2 district is initially composed of the territory described by  
 2-3 Section 2 of the Act enacting this chapter.

2-4 (b) The boundaries and field notes contained in Section 2 of  
 2-5 the Act enacting this chapter form a closure. A mistake made in the  
 2-6 field notes or in copying the field notes in the legislative process  
 2-7 does not affect the district's:

2-8 (1) organization, existence, or validity;

2-9 (2) right to issue any type of bond for the purposes  
 2-10 for which the district is created or to pay the principal of and  
 2-11 interest on a bond;

2-12 (3) right to impose a tax; or

2-13 (4) legality or operation.

2-14 SUBCHAPTER B. BOARD OF DIRECTORS

2-15 Sec. 9064.0201. GOVERNING BODY; TERMS. (a) The district is  
 2-16 governed by a board of five elected directors.

2-17 (b) Except as provided by Section 9064.0202, directors  
 2-18 serve staggered four-year terms.

2-19 Sec. 9064.0202. TEMPORARY DIRECTORS. (a) On or after the  
 2-20 effective date of the Act enacting this chapter, the owner or owners  
 2-21 of a majority of the assessed value of the real property in the  
 2-22 district may submit a petition to the commission requesting that  
 2-23 the commission appoint as temporary directors the five persons  
 2-24 named in the petition. The commission shall appoint as temporary  
 2-25 directors the five persons named in the petition.

2-26 (b) Temporary directors serve until the earlier of:

2-27 (1) the date permanent directors are elected under  
 2-28 Section 9064.0103; or

2-29 (2) the fourth anniversary of the effective date of  
 2-30 the Act enacting this chapter.

2-31 (c) If permanent directors have not been elected under  
 2-32 Section 9064.0103 and the terms of the temporary directors have  
 2-33 expired, successor temporary directors shall be appointed or  
 2-34 reappointed as provided by Subsection (d) to serve terms that  
 2-35 expire on the earlier of:

2-36 (1) the date permanent directors are elected under  
 2-37 Section 9064.0103; or

2-38 (2) the fourth anniversary of the date of the  
 2-39 appointment or reappointment.

2-40 (d) If Subsection (c) applies, the owner or owners of a  
 2-41 majority of the assessed value of the real property in the district  
 2-42 may submit a petition to the commission requesting that the  
 2-43 commission appoint as successor temporary directors the five  
 2-44 persons named in the petition. The commission shall appoint as  
 2-45 successor temporary directors the five persons named in the  
 2-46 petition.

2-47 SUBCHAPTER C. POWERS AND DUTIES

2-48 Sec. 9064.0301. GENERAL POWERS AND DUTIES. The district  
 2-49 has the powers and duties necessary to accomplish the purposes for  
 2-50 which the district is created.

2-51 Sec. 9064.0302. WATER CONTROL AND IMPROVEMENT DISTRICT  
 2-52 POWERS AND DUTIES. (a) The district has the powers and duties  
 2-53 provided by the general law of this state applicable to water  
 2-54 control and improvement districts created under Section 59, Article  
 2-55 XVI, Texas Constitution, including Chapters 49 and 51, Water Code,  
 2-56 and specifically including the powers and duties authorized under  
 2-57 Subchapter H, Chapter 51, Water Code.

2-58 (b) Notwithstanding any other law, the district may not  
 2-59 construct, finance, own, or operate facilities necessary to provide  
 2-60 water or sanitary sewer services.

2-61 Sec. 9064.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-62 52, Article III, Texas Constitution, the district may design,  
 2-63 acquire, construct, finance, issue bonds for, improve, operate,  
 2-64 maintain, and convey to this state, a county, or a municipality for  
 2-65 operation and maintenance macadamized, graveled, or paved roads, or  
 2-66 improvements, including storm drainage, in aid of those roads.

2-67 Sec. 9064.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-68 road project must meet all applicable construction standards,  
 2-69 zoning and subdivision requirements, and regulations of each

3-1 municipality in whose corporate limits or extraterritorial  
 3-2 jurisdiction the road project is located.

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

3-8 (c) If the state will maintain and operate the road, the  
 3-9 Texas Transportation Commission must approve the plans and  
 3-10 specifications of the road project.

3-11 Sec. 9064.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
 3-12 ORDINANCE OR RESOLUTION. The district shall comply with all  
 3-13 applicable requirements of any ordinance or resolution that is  
 3-14 adopted under Section 42.042 or 42.0425, Local Government Code, and  
 3-15 consents to the creation of the district or to the inclusion of land  
 3-16 in the district.

3-17 Sec. 9064.0306. LIMITATION ON USE OF EMINENT DOMAIN. The  
 3-18 district may not exercise the power of eminent domain outside the  
 3-19 district boundaries to acquire a site or easement for:

3-20 (1) a road project authorized by Section 9064.0303; or  
 3-21 (2) a recreational facility as defined by Section  
 3-22 49.462, Water Code.

3-23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-24 Sec. 9064.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
 3-25 The district may issue, without an election, bonds and other  
 3-26 obligations secured by:

3-27 (1) revenue other than ad valorem taxes; or  
 3-28 (2) contract payments described by Section 9064.0403.

3-29 (b) The district must hold an election in the manner  
 3-30 provided by Chapters 49 and 51, Water Code, to obtain voter approval  
 3-31 before the district may impose an ad valorem tax or issue bonds  
 3-32 payable from ad valorem taxes.

3-33 (c) The district may not issue bonds payable from ad valorem  
 3-34 taxes to finance a road project unless the issuance is approved by a  
 3-35 vote of a two-thirds majority of the district voters voting at an  
 3-36 election held for that purpose.

3-37 Sec. 9064.0402. OPERATION AND MAINTENANCE TAX. (a) If  
 3-38 authorized at an election held under Section 9064.0401, the  
 3-39 district may impose an operation and maintenance tax on taxable  
 3-40 property in the district in accordance with Section 49.107, Water  
 3-41 Code.

3-42 (b) The board shall determine the tax rate. The rate may not  
 3-43 exceed the rate approved at the election.

3-44 Sec. 9064.0403. CONTRACT TAXES. (a) In accordance with  
 3-45 Section 49.108, Water Code, the district may impose a tax other than  
 3-46 an operation and maintenance tax and use the revenue derived from  
 3-47 the tax to make payments under a contract after the provisions of  
 3-48 the contract have been approved by a majority of the district voters  
 3-49 voting at an election held for that purpose.

3-50 (b) A contract approved by the district voters may contain a  
 3-51 provision stating that the contract may be modified or amended by  
 3-52 the board without further voter approval.

3-53 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-54 Sec. 9064.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-55 OBLIGATIONS. The district may issue bonds or other obligations  
 3-56 payable wholly or partly from ad valorem taxes, impact fees,  
 3-57 revenue, contract payments, grants, or other district money, or any  
 3-58 combination of those sources, to pay for any authorized district  
 3-59 purpose.

3-60 Sec. 9064.0502. TAXES FOR BONDS. At the time the district  
 3-61 issues bonds payable wholly or partly from ad valorem taxes, the  
 3-62 board shall provide for the annual imposition of a continuing  
 3-63 direct ad valorem tax, without limit as to rate or amount, while all  
 3-64 or part of the bonds are outstanding as required and in the manner  
 3-65 provided by Chapter 51, Water Code.

3-66 Sec. 9064.0503. BONDS FOR ROAD PROJECTS. At the time of  
 3-67 issuance, the total principal amount of bonds or other obligations  
 3-68 issued or incurred to finance road projects and payable from ad  
 3-69 valorem taxes may not exceed one-fourth of the assessed value of the

4-1 real property in the district.

4-2 Sec. 9064.0504. BONDS FOR RECREATIONAL FACILITIES. (a)  
 4-3 The district may develop recreational facilities and issue bonds  
 4-4 for recreational facilities as provided by Chapter 49, Water Code,  
 4-5 regardless of whether the district's territory overlaps with the  
 4-6 territory of a political subdivision that is authorized to develop  
 4-7 recreational facilities and issue bonds for recreational  
 4-8 facilities under Chapter 49, Water Code.

4-9 (b) The authority of the district to develop recreational  
 4-10 facilities and issue bonds for recreational facilities under this  
 4-11 section does not limit the authority of another political  
 4-12 subdivision whose territory the territory of the district may  
 4-13 overlap, wholly or partly, to develop recreational facilities and  
 4-14 issue bonds for recreational facilities under Chapter 49, Water  
 4-15 Code.

4-16 SECTION 2. The Fort Bend County Water Control and  
 4-17 Improvement District No. 11 initially includes all the territory  
 4-18 contained in the following area:

4-19 Being a 721.9 acre tract of land (Tract A) located in the W.  
 4-20 Morton Survey, A-62, an 812.1 acre tract of land (Tract B), a 79.97  
 4-21 acre tract of land (Tract C) and a 3.019 acre tract of land (Tract D)  
 4-22 located in the J. Wilkins Survey, A-96 and the J.H. Cartwright  
 4-23 Survey, A-16 in Fort Bend County, Texas; said 721.9 acre tract being  
 4-24 all of the remainder of "TRACT 3" (called 575.744 acres) and all of  
 4-25 "TRACT 4" (called 49.1434 acres) recorded in Clerk's File Number  
 4-26 9632563 of the Official Records of Fort Bend County (O.R.F.B.C.),  
 4-27 all of a called 103.039 acre tract of land recorded as "TRACT THREE"  
 4-28 in Clerk's File Number 2018058651 of the O.R.F.B.C., and all of the  
 4-29 remainder of a called 19.4224 acre tract of land recorded in Clerk's  
 4-30 File Number 2002071030 of the O.R.F.B.C.; said 812.1 acre tract  
 4-31 being all of a called 317.812 acre tract of land and all of a called  
 4-32 186.183 acre tract of land recorded in Clerk's File Number  
 4-33 2018058651 of the O.R.F.B.C., and all of "TRACT 9" (called 307.968  
 4-34 acres) recorded in Clerks File Number 9632563 of the O.R.F.B.C.,  
 4-35 said 79.97 acre tract being all of a called 79.967 acre tract of  
 4-36 land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C.,  
 4-37 and said 3.019 acre tract being all of a called 3.019 acre tract of  
 4-38 land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C.;  
 4-39 said tracts being more particularly described by metes and bounds  
 4-40 as follows (all bearings are based on the Texas Coordinate System,  
 4-41 South Central Zone):

4-42 TRACT "A": 721.9 ACRES

4-43 Beginning at a 5/8-inch iron rod found for the northwest  
 4-44 corner of said 575.744 acre tract and the southwest corner of  
 4-45 Plantation Crossing, a subdivision recorded in Slide Number 2047A  
 4-46 of the Fort Bend County Plat Records (F.B.C.P.R.), same being on the  
 4-47 east line of the Replat of Pecan Grove Plantation Section 5, a  
 4-48 subdivision recorded in Slide Number 685A of the F.B.C.P.R.;

4-49 1. Thence, with the common line of said 575.744 acre tract  
 4-50 and said Plantation Crossing and the south line of Reserve "B-2" of  
 4-51 Plantation Crossing Subdivision Partial Replat No. 1 of  
 4-52 Unrestricted Reserve "B", a subdivision recorded in Plat Number  
 4-53 20100032 of the F.B.C.P.R., North 87 degrees 38 minutes 06 seconds  
 4-54 East, a distance of 1,888.98 feet to a 5/8-inch iron rod (bent)  
 4-55 found at the northeast corner of said 575.744 acre tract and the  
 4-56 southeast corner of said Plantation Crossing, same being on the  
 4-57 west Right-of-Way (R.O.W.) line of Harlem Road (width  
 4-58 varies-minimum 140-foot wide) as recorded in Volume 63, Page 203 of  
 4-59 the Fort Bend County Deed Records (F.B.C.D.R.) and in Clerk's File  
 4-60 Numbers 2010100611, 2011015402 and 2011015403 of the O.R.F.B.C.;

4-61 Thence, with said west R.O.W. line, the following four (4)  
 4-62 courses:

4-63 2. South 03 degrees 26 minutes 34 seconds East, a distance  
 4-64 of 1,780.95 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
 4-65 INC" set;

4-66 3. South 02 degrees 54 minutes 24 seconds East, a distance  
 4-67 of 599.47 feet to a 5/8-inch iron rod with cap stamped "LANDTECH"  
 4-68 found;

4-69 4. South 02 degrees 21 minutes 25 seconds East, a distance

5-1 of 329.14 feet to a 5/8-inch iron rod with cap stamped "LANDTECH"  
5-2 found;

5-3 5. South 02 degrees 07 minutes 07 seconds East, a distance  
5-4 of 2,791.77 feet to a 3/4-inch iron rod with cap stamped "WEISSER  
5-5 ENG" found at the northeast corner of a called 2.817 acre tract of  
5-6 land recorded in Clerk's File Number 2021161425 of the O.R.F.B.C.;

5-7 6. Thence, with the north line of said 2.817 acre tract,  
5-8 South 87 degrees 51 minutes 34 seconds West, a distance of 875.94  
5-9 feet to a 3/4-inch iron rod with cap stamped "WEISSER ENG" found at  
5-10 the northwest corner of said 2.817 acre tract, same being on the  
5-11 east line of aforesaid 103.039 acre tract;

5-12 7. Thence, with the common line of said 2.817 acre tract and  
5-13 said 103.039 acre tract, South 01 degrees 46 minutes 00 seconds  
5-14 East, a distance of 139.87 feet to a 1/2-inch iron rod found at the  
5-15 southwest corner of said 2.817 acre tract and the northwest corner  
5-16 of a called 10.00 acre tract of land recorded in Volume 2491, Page  
5-17 256 of the F.B.C.D.R.;

5-18 8. Thence, with the common line of said 103.039 acre tract  
5-19 and said 10.00 acre tract, South 01 degrees 53 minutes 54 seconds  
5-20 East, a distance of 496.44 feet to a 1-inch iron pipe found at the  
5-21 southwest corner of said 10.00 acre tract and the northwest corner  
5-22 of aforesaid 49.1434 acre tract;

5-23 9. Thence, with the common line of said 10.00 acre tract and  
5-24 said 49.1434 acre tract, North 87 degrees 52 minutes 26 seconds  
5-25 East, a distance of 878.71 feet to a 5/8-inch iron rod found at the  
5-26 southeast corner of said 10.00 acre tract and the northeast corner  
5-27 of said 49.1434 acre tract, same being on the west R.O.W. line of  
5-28 aforesaid Harlem Road;

5-29 10. Thence, with said west R.O.W. line, South 02 degrees 07  
5-30 minutes 07 seconds East, a distance of 2,470.38 feet to a 5/8-inch  
5-31 iron rod with cap stamped "WINDROSE" found at the southeast corner  
5-32 of said 49.1434 acre tract and the northeast corner of a called  
5-33 6.170 acre tract of land recorded in Clerk's File Number 2013073107  
5-34 of the O.R.F.B.C.;

5-35 11. Thence, with the common line of said 49.1434 acre tract  
5-36 and said 6.170 acre tract and with the north line of the remainder  
5-37 of a called 6.555 acre tract of land recorded in Clerk's File Number  
5-38 2008022579 of the O.R.F.B.C., South 87 degrees 54 minutes 25  
5-39 seconds West, a distance of 887.56 feet to a 3-inch iron pipe found  
5-40 at the southwest corner of said 49.1434 acre tract and the northwest  
5-41 corner of said 6.555 acre tract, same being on the east line of  
5-42 aforesaid 103.039 acre tract;

5-43 12. Thence, with the common line of said 103.039 acre tract  
5-44 and said 6.555 acre tract and with the west line of said 6.170 acre  
5-45 tract, South 01 degrees 54 minutes 40 seconds East, a distance of  
5-46 372.49 feet to a 3/4-inch iron rod found at the southeast corner of  
5-47 said 103.039 acre tract and the southwest corner of said 6.170 acre  
5-48 tract, same being on the north line of the Union Pacific Railroad  
5-49 tract (100-foot wide) as recorded in Volume 15, Page 218, Volume 59,  
5-50 Page 315, Volume 64, Page 182 and Volume 95, Page 24 of the  
5-51 F.B.C.D.R.;

5-52 13. Thence, with the common line of said Railroad tract and  
5-53 said 103.039 acre tract and with the south line of aforesaid 575.744  
5-54 acre tract, South 81 degrees 27 minutes 29 seconds West, a distance  
5-55 of 5,473.20 feet to a 1-inch iron pipe found on the east R.O.W. line  
5-56 of Pitts Road (width varies) as recorded in Clerk's File Number  
5-57 9509356 of the O.R.F.B.C.;

5-58 14. Thence, with said east R.O.W. line, North 02 degrees 09  
5-59 minutes 49 seconds West, a distance of 3,187.67 feet to a 1-inch  
5-60 iron pipe (bent) found on the common line of aforesaid 575.744 acre  
5-61 tract and a called 39.8846 acre tract of land recorded in Volume  
5-62 2166, Page 1939 of the O.R.F.B.C.;

5-63 15. Thence, with said common line, North 89 degrees 03  
5-64 minutes 34 seconds East, a distance of 1,465.14 feet to a 1-inch  
5-65 iron pipe found at the southeast corner of said 39.8846 acre tract  
5-66 and the southwest corner of a called 4.6051 acre tract of land  
5-67 recorded in Clerk's File Number 2005101569 of the O.R.F.B.C.;

5-68 16. Thence with the common line of said 575.744 acre tract  
5-69 and said 4.6051 acre tract and with the south line of a called

6-1 3.7506 acre tract of land and a called 3.7803 acre tract of land  
 6-2 also recorded in Clerk's File Number 2005101569 of the O.R.F.B.C.,  
 6-3 North 88 degrees 53 minutes 30 seconds East, a distance of 759.44  
 6-4 feet to a 1-inch iron pipe found at the southeast corner of said  
 6-5 3.7803 acre tract and the southwest corner of The Grove Section 5, a  
 6-6 subdivision recorded in Slide Number 554A of the F.B.C.P.R.;

6-7 17. Thence, with the common line of said subdivision and  
 6-8 said 575.744 acre tract and with the south line of a called 22.0959  
 6-9 acre tract of land recorded in Clerk's File Number 2015102372 of the  
 6-10 O.R.F.B.C., North 88 degrees 51 minutes 35 seconds East, a distance  
 6-11 of 1,637.79 feet to a 5/8-inch iron rod with cap stamped "COTTON  
 6-12 SURVEYING" found at the southeast corner of said 22.0959 acre  
 6-13 tract;

6-14 Thence, with the east line of said 22.0959 acre tract, the  
 6-15 following three (3) courses:

6-16 18. North 02 degrees 37 minutes 41 seconds West, a distance  
 6-17 of 4,075.39 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
 6-18 INC" set;

6-19 19. North 87 degrees 13 minutes 51 seconds East, a distance  
 6-20 of 599.62 feet to a 5/8-inch iron rod with cap found;

6-21 20. North 03 degrees 14 minutes 20 seconds West, a distance  
 6-22 of 513.53 feet to a 1/2-inch iron pipe found at the northeast corner  
 6-23 of said 22.0959 acre tract and the southeast corner of Pecan Grove  
 6-24 Plantation Section 4, a subdivision recorded in Volume 27, Page 6 of  
 6-25 the F.B.C.P.R., same being on the west line of aforesaid 575.744  
 6-26 acre tract;

6-27 21. Thence, with the common line of said 575.744 acre tract  
 6-28 and said subdivision and with the east line of aforesaid Pecan Grove  
 6-29 Plantation Section 5, North 02 degrees 52 minutes 04 seconds West, a  
 6-30 distance of 1,872.48 feet to the Point of Beginning and containing  
 6-31 721.9 acres of land.

6-32 TRACT B: 812.1 ACRES

6-33 Beginning at a 5/8-inch iron rod found for the northwest  
 6-34 corner of aforesaid 317.812 acre tract and the southwest corner of a  
 6-35 called 145.368 acre tract of land recorded in Clerk's File Number  
 6-36 2017087205 of the O.R.F.B.C., same being on the east R.O.W. line of  
 6-37 aforesaid Harlem Road;

6-38 1. Thence, with the north line of said 317.812 acre tract,  
 6-39 the north line of aforesaid 307.968 acre tract, the north line of  
 6-40 aforesaid 186.183 acre tract, the south line of said 145.368 acre  
 6-41 tract and the south line of a called 143.287 acre tract recorded in  
 6-42 said Clerk's File Number 2017087205 of the O.R.F.B.C., North 86  
 6-43 degrees 48 minutes 57 seconds East, a distance of 6,884.55 feet to a  
 6-44 5/8-inch iron rod found at the northeast corner of said 186.183 acre  
 6-45 tract and the southeast corner of said 143.287 acre tract, same  
 6-46 being on the west R.O.W. line of the Grand Parkway (Highway 99)  
 6-47 (width varies) as recorded in Clerk's File Number 9830483 of the  
 6-48 O.R.F.B.C.;

6-49 Thence, with said west R.O.W. line, the following six (6)  
 6-50 courses:

6-51 2. South 42 degrees 12 minutes 55 seconds East, a distance  
 6-52 of 228.10 feet to a TXDOT Disc found;

6-53 3. 1,560.21 feet along the arc of a curve to the right, said  
 6-54 curve having a central angle of 16 degrees 01 minutes 18 seconds, a  
 6-55 radius of 5,579.59 feet and a chord that bears South 34 degrees 12  
 6-56 minutes 17 seconds East, a distance of 1,555.13 feet to TXDOT Disc  
 6-57 found;

6-58 4. South 26 degrees 11 minutes 38 seconds East, a distance  
 6-59 of 788.16 feet to a 1/2-iron rod found;

6-60 5. South 88 degrees 31 minutes 13 seconds West, a distance  
 6-61 of 66.04 feet to a TXDOT Disc found;

6-62 6. South 26 degrees 12 minutes 25 seconds East, a distance  
 6-63 of 1,235.45 feet to a TXDOT Disc found;

6-64 7. South 17 degrees 52 minutes 00 seconds East, at a  
 6-65 distance of 560.55 feet passing a 5/8-inch iron rod with cap found  
 6-66 and continuing for a total distance of 621.35 feet to the southeast  
 6-67 corner of aforesaid 186.183 acre tract, same being on the north line  
 6-68 of aforesaid Union Pacific Railroad (75-foot wide) as recorded in  
 6-69 Volume 15, Page 218, Volume 59, Page 315, Volume 59, Page 183 and

7-1 Volume 95, Page 24 of the F.B.C.D.R;

7-2 8. Thence, with the common line of said 186.183 acre tract  
7-3 and said Railroad tract and with the south line of aforesaid 307.968  
7-4 acre tract and aforesaid 317.812 acre tract, South 81 degrees 27  
7-5 minutes 54 seconds West, a distance of 8,839.89 feet to a 5/8-inch  
7-6 iron rod with cap stamped "COSTELLO INC" set for the southwest  
7-7 corner of said 317.812 acre tract, being on the east R.O.W. line of  
7-8 aforesaid Harlem Road;

7-9 9. Thence, with said east R.O.W. line, North 02 degrees 07  
7-10 minutes 07 seconds West, a distance of 4,796.72 feet to the Point of  
7-11 Beginning and containing 812.1 acres of land.

7-12 TRACT C: 79.97 ACRES

7-13 Beginning at the northwest corner of aforesaid 79.967 acre  
7-14 tract and the southwest corner of Windsor Estates Sec 3, a  
7-15 subdivision recorded in Plat Number 20140040 of the F.B.C.P.R.,  
7-16 same being on the northeasterly R.O.W. line of aforesaid Grand  
7-17 Parkway, from which a 5/8-inch iron rod found bears S58°28'30"E ~  
7-18 0.60';

7-19 1. Thence, with the north line of said 79.967 acre tract,  
7-20 the south line of said Sec 3 and the south line of Windsor Estates  
7-21 Sec 1, a subdivision recorded in Plat Number 20130085 of the  
7-22 F.B.C.P.R., North 86 degrees 48 minutes 57 seconds East, a distance  
7-23 of 2,061.83 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
7-24 INC" set at the northeast corner of said 79.967 acre tract, same  
7-25 being on the west R.O.W. line of F.M. 1464 (width varies) as  
7-26 recorded in Clerk's File Numbers 2010065925, 2010067366 and  
7-27 2010054458 of the O.R.F.B.C.;

7-28 Thence, with said west R.O.W. line, the following eight (8)  
7-29 courses:

7-30 2. South 02 degrees 29 minutes 10 seconds East, a distance  
7-31 of 1,931.46 feet to a 5/8-inch iron rod found;

7-32 3. South 87 degrees 34 minutes 52 seconds West, a distance  
7-33 of 238.37 feet to a 5/8-inch iron rod found (bent);

7-34 4. South 02 degrees 28 minutes 00 seconds East, a distance  
7-35 of 373.47 feet to a TXDOT Disc found;

7-36 5. South 58 degrees 47 minutes 14 seconds East, a distance  
7-37 of 204.28 feet to a 5/8-inch iron rod with cap (bent) found;

7-38 6. South 02 degrees 27 minutes 37 seconds East, a distance  
7-39 of 318.23 feet to a 5/8-inch iron rod found;

7-40 7. South 25 degrees 12 minutes 50 seconds East, a distance  
7-41 of 137.03 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
7-42 INC" set;

7-43 8. South 02 degrees 27 minutes 37 seconds East, a distance  
7-44 of 64.38 feet to a 5/8-inch iron rod found that bears S61°52'50"E ~  
7-45 1.0';

7-46 9. 483.56 feet along the arc of a curve to the right, said  
7-47 curve having a central angle of 65 degrees 11 minutes 24 seconds, a  
7-48 radius of 425.00 feet and a chord that bears South 48 degrees 38  
7-49 minutes 51 seconds West, a distance of 457.89 feet to the east  
7-50 R.O.W. line of aforesaid Grand Parkway, from which a TXDOT Disc  
7-51 found bears N77°48'02"E ~0.7';

7-52 Thence, with the east R.O.W. line of said Grand Parkway, the  
7-53 following four (4) courses:

7-54 10. North 26 degrees 12 minutes 25 seconds West, a distance  
7-55 of 1,046.40 feet to a TXDOT Disc found;

7-56 11. South 88 degrees 31 minutes 13 seconds West, a distance  
7-57 of 44.09 feet to a TXDOT Disc found;

7-58 12. North 26 degrees 11 minutes 38 seconds West, a distance  
7-59 of 926.23 feet to a TXDOT Disc found;

7-60 13. 1,629.01 feet along the arc of a curve to the left, said  
7-61 curve having a central angle of 15 degrees 52 minutes 28 seconds, a  
7-62 radius of 5,879.59 feet and a chord that bears North 34 degrees 07  
7-63 minutes 52 seconds West, a distance of 1,623.81 feet to the Point of  
7-64 Beginning and containing 79.97 acres of land.

7-65 TRACT D: 3.019 ACRES

7-66 Beginning at a TXDOT Disc found for at north end of a cutback  
7-67 at the intersection of the southeast R.O.W. line of aforesaid F.M.  
7-68 1464 with the east R.O.W. line of aforesaid Grand Parkway and being  
7-69 a northwest corner of aforesaid 3.019 acre tract;

8-1 Thence, with the southeast R.O.W. line of said F.M. 1464, the  
 8-2 following seven (7) courses:

8-3 1. 294.49 feet along the arc of a curve to the left, said  
 8-4 curve having a central angle of 30 degrees 46 minutes 40 seconds, a  
 8-5 radius of 548.22 feet and a chord that bears North 66 degrees 01  
 8-6 minutes 51 seconds East, a distance of 290.96 feet to a TXDOT Disc  
 8-7 found;

8-8 2. South 89 degrees 19 minutes 20 seconds East, a distance  
 8-9 of 44.86 feet to a TXDOT Disc found;

8-10 3. South 47 degrees 43 minutes 32 seconds East, a distance  
 8-11 of 33.66 feet to a 5/8-inch iron rod found that bears N75°36'31"W ~  
 8-12 1.5';

8-13 4. South 02 degrees 21 minutes 21 seconds East, a distance  
 8-14 of 204.21 feet to a 5/8-inch iron rod found;

8-15 5. South 04 degrees 43 minutes 36 seconds East, a distance  
 8-16 of 239.96 feet to a TXDOT Disc found;

8-17 6. South 38 degrees 30 minutes 36 seconds West, a distance  
 8-18 of 87.66 feet to a TXDOT Disc found;

8-19 7. South 81 degrees 19 minutes 35 seconds West, a distance  
 8-20 of 89.98 feet to a 5/8-inch iron rod found in concrete at the east  
 8-21 R.O.W. line of aforesaid Grand Parkway;

8-22 8. Thence, with said east R.O.W. line, North 32 degrees 31  
 8-23 minutes 32 seconds West, a distance of 451.59 feet to a 5/8-inch  
 8-24 iron rod with cap stamped "COSTELLO INC" set at the south end of  
 8-25 aforesaid cutback line;

8-26 Thence, with said cutback line, North 24 degrees 27 minutes  
 8-27 31 seconds East, a distance of 54.43 feet to the Point of Beginning  
 8-28 and containing 3.019 acres of land.

8-29 SECTION 3. (a) The legal notice of the intention to  
 8-30 introduce this Act, setting forth the general substance of this  
 8-31 Act, has been published as provided by law, and the notice and a  
 8-32 copy of this Act have been furnished to all persons, agencies,  
 8-33 officials, or entities to which they are required to be furnished  
 8-34 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 8-35 Government Code.

8-36 (b) The governor, one of the required recipients, has  
 8-37 submitted the notice and Act to the Texas Commission on  
 8-38 Environmental Quality.

8-39 (c) The Texas Commission on Environmental Quality has filed  
 8-40 its recommendations relating to this Act with the governor, the  
 8-41 lieutenant governor, and the speaker of the house of  
 8-42 representatives within the required time.

8-43 (d) All requirements of the constitution and laws of this  
 8-44 state and the rules and procedures of the legislature with respect  
 8-45 to the notice, introduction, and passage of this Act are fulfilled  
 8-46 and accomplished.

8-47 SECTION 4. (a) Section 9064.0306, Special District Local  
 8-48 Laws Code, as added by Section 1 of this Act, takes effect only if  
 8-49 this Act receives a two-thirds vote of all the members elected to  
 8-50 each house.

8-51 (b) If this Act does not receive a two-thirds vote of all the  
 8-52 members elected to each house, Subchapter C, Chapter 9064, Special  
 8-53 District Local Laws Code, as added by Section 1 of this Act, is  
 8-54 amended by amending Section 9064.0306 to read as follows:

8-55 Sec. 9064.0306. NO EMINENT DOMAIN POWER. The district may  
 8-56 not exercise the power of eminent domain.

8-57 (c) This section is not intended to be an expression of a  
 8-58 legislative interpretation of the requirements of Section 17(c),  
 8-59 Article I, Texas Constitution.

8-60 SECTION 5. This Act takes effect immediately if it receives  
 8-61 a vote of two-thirds of all the members elected to each house, as  
 8-62 provided by Section 39, Article III, Texas Constitution. If this  
 8-63 Act does not receive the vote necessary for immediate effect, this  
 8-64 Act takes effect September 1, 2023.

8-65 \* \* \* \* \*