

1-1 By: Hegar (Senate Sponsor - Armbrister) H.B. No. 3563  
1-2 (In the Senate - Received from the House May 7, 2003;  
1-3 May 9, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 23, 2003, reported favorably, as amended, by the  
1-5 following vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Armbrister

1-7 Amend HB 3563 on page 7, line 41, between "Code," and "or", by  
1-8 inserting the words "a cable operator as defined by 47 U.S.C.  
1-9 Section 522, as amended,"

1-10 A BILL TO BE ENTITLED  
1-11 AN ACT

1-12 relating to the creation of the Waller County Road Improvement  
1-13 District No. 1; providing authority to impose a tax and issue bonds.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. CREATION OF DISTRICT. (a) Waller County Road  
1-16 Improvement District No. 1 is created as a special district under  
1-17 Section 52, Article III, and Section 59, Article XVI, Texas  
1-18 Constitution.

1-19 (b) The board by resolution may change the district's name.

1-20 SECTION 2. DECLARATION OF INTENT. (a) The creation of the  
1-21 district is necessary to promote, develop, encourage, and maintain  
1-22 transportation, safety, employment, commerce, housing, tourism,  
1-23 recreation, the arts, entertainment, economic development, and the  
1-24 public welfare in the area of the district.

1-25 (b) The creation of the district is essential to accomplish  
1-26 the purposes of Sections 52 and 52-a, Article III, and Section 59,  
1-27 Article XVI, Texas Constitution, and other public purposes stated  
1-28 in this Act.

1-29 SECTION 3. DEFINITIONS. In this Act:

1-30 (1) "Board" means the board of directors of the  
1-31 district.

1-32 (2) "District" means Waller County Road Improvement  
1-33 District No. 1.

1-34 SECTION 4. BOUNDARIES. The district includes all the  
1-35 territory contained in the following described area:

1-36 FIELD NOTES FOR A 31.6118 ACRE TRACT OF LAND IN THE H&TC RAILROAD  
1-37 COMPANY SURVEY, SECTION 103, ABSTRACT 169, WALLER COUNTY, TEXAS,  
1-38 SAID 31.6118 ACRE TRACT BEING THAT CERTAIN CALLED 31.6120 ACRE  
1-39 TRACT (PART OF TRACT 4) IN DEED TO K-B MANAGEMENT PARTNERS, LTD.,  
1-40 RECORDED IN VOLUME 305, PAGE 361, DEED RECORDS, WALLER COUNTY,  
1-41 TEXAS, AND FURTHER DESCRIBED IN VOLUME 236, PAGE 630, DEED RECORDS,  
1-42 WALLER COUNTY, TEXAS, BEARINGS FOR THE HEREIN DESCRIBED TRACT ARE  
1-43 GRID BASED UPON G.P.S. OBSERVATIONS OF TRIANGULATIONS STATION  
1-44 "BROOKSHIRE", DISTANCES ARE GEODETIC, SCALE FACTOR USED IS  
1-45 0.99988896, COORDINATES ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE,  
1-46 NAD 1983;

1-47 COMMENCING at a 3/4 inch iron pipe found in the east line of Igloo  
1-48 Road (80-foot wide) at the southwest corner of the K-B Management  
1-49 Partners, LTD., called 39.581 acre tract (Tract 2), recorded in  
1-50 Volume 305, Page 361, Deed Records, Waller County, Texas, and  
1-51 further described in Volume 235, Page 43, Deed Records, Waller  
1-52 County, Texas. surveyed this date as 39.3537 acres, same being the  
1-53 northwest corner of the K-B Management Partners, LTD. called  
1-54 161.383 acre tract (Tract 2), surveyed this date as 161.8245 acres,  
1-55 recorded in Volume 305, Page 361, Deed Records, Waller County,  
1-56 Texas, said point bears North 87 degrees 55 minutes 48 seconds East,  
1-57 11.5 feet from the southwest corner of the H&TC Railroad Company  
1-58 Survey, Section 103, Abstract 169, same being the northwest corner  
1-59 of the J.G. Bennett Survey, Abstract 292 (Section 104);

1-60 THENCE North 87 degrees 55 minutes 48 seconds East, along the common  
1-61 line of the H&TC Railroad Company Survey, Section 103, Abstract  
1-62 169, and the J.G. Bennett Survey, Abstract 292 (Section 104), and

2-1 the south line of said adjoining called 39.581 acre K-B Management  
 2-2 Partners, LTD tract, 3.135.06 feet to a 1-1/4 inch iron pipe found  
 2-3 on said line for the southwest corner of Place of Beginning of the  
 2-4 herein described 31.6118 acre tract of land, same being the  
 2-5 southeast corner of said adjoining K-B Management Partners, LTD.  
 2-6 called 39.581 acre tract, surveyed this date as 39.3537 acres, and  
 2-7 being in the north line of a certain adjoining Pennzoil Exploration  
 2-8 and Production Company called 142 acre tract, recorded in Volume  
 2-9 464, Page 271, Deed Records, Waller County, Texas;  
 2-10 THENCE North 02 degrees 00 minutes 55 seconds West along the common  
 2-11 line of the herein described 31.6118 acre tract and the  
 2-12 aforementioned adjoining called 39.581 acre K-B Management  
 2-13 Partners, LTD tract, surveyed this date as 39.3537 acres (called  
 2-14 North 02 degrees 01 minute West, 540.4 feet) for a distance of  
 2-15 541.97 feet to a 1/2 inch iron pipe found on the south right-of-way  
 2-16 line of Interstate Highway 10 for the northwest corner of the herein  
 2-17 described 31.6118 acre tract, same being the northeast corner of  
 2-18 said adjoining 39.581 acre K-B Management Partners, LTD tract, said  
 2-19 point having coordinates of Y=13,844,652.304, X=2,954,875,326;  
 2-20 THENCE North 88 degrees 15 minutes 42 seconds East, along the north  
 2-21 line of the herein described 31.6118 acre tract, being the south  
 2-22 line of Interstate Highway 10 (called North 87 degrees 58 minutes 56  
 2-23 seconds East, 2,047.09 feet) for a distance of 2,049.18 feet to a  
 2-24 concrete right-of-way marker found on said line at the beginning of  
 2-25 a curve to the right;  
 2-26 THENCE around said curve to the right with a central angle of 40  
 2-27 degrees 08 minutes 27 seconds, a radius of 534.68 feet, a length of  
 2-28 374.59 feet, a tangent of 195.35 feet, and a chord bearing South 71  
 2-29 degrees 40 minutes 04 seconds East, 366.98 feet to a 1/2 inch iron  
 2-30 pipe with cap marked "Kalkomey Surveying" set at the tangency of  
 2-31 said curve;  
 2-32 THENCE South 51 degrees 56 minutes 59 seconds East, 337.90 feet to a  
 2-33 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set at the  
 2-34 beginning of a curve to the left;  
 2-35 THENCE around said curve to the left with a central angel of 40  
 2-36 degrees 10 minutes 58 seconds, a radius of 617.97 feet, a length of  
 2-37 433.39 feet, a tangent of 226.04 feet, and a chord bearing South 71  
 2-38 degrees 13 minutes 35 seconds East, 424.57 feet to a concrete  
 2-39 right-of-way marker found at the tangency of said curve;  
 2-40 THENCE North 88 degrees 13 minutes 11 seconds East continuing along  
 2-41 the south right-of-way line of Interstate Highway 10, being the  
 2-42 north line of the herein described tract (called North 88 degrees 17  
 2-43 minutes 10 seconds East, 158.67 feet) for a distance of 158.16 feet  
 2-44 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set at  
 2-45 its point of intersection with the west right-of-way line of  
 2-46 Pederson Road, being the northeast-most corner of the herein  
 2-47 described 31.6118 acre tract of land, and being located in the east  
 2-48 line of said H&TC Railroad Company Survey, Section 103, Abstract,  
 2-49 169, same being the west line of the H&TC Railroad Company Survey,  
 2-50 Section 107, Abstract, 170;  
 2-51 THENCE South 02 degrees 33 minutes 46 seconds East (called South 02  
 2-52 degrees 15 minutes East, 30 feet) along the east line of the herein  
 2-53 described tract, the west right-of-way line of Pederson Road (50  
 2-54 feet wide), and the common line of said H&TC Railroad Company  
 2-55 Survey, Section 103, Abstract, 169, and said H&TC Railroad Company  
 2-56 Survey, Section 107, Abstract 170, a distance of 30.46 feet to a 1  
 2-57 inch iron pipe found on said common line for the southeast-most  
 2-58 corner of the herein described 31.6118 acre tract of land, same  
 2-59 being the northeast corner of an adjoining Cooper Cameron Corp.  
 2-60 called 58.6130 acre tract, recorded in Volume 0509, Page 919,  
 2-61 Official Records, Waller County, Texas, and being the southeast  
 2-62 corner of said H&TC Railroad Company Survey, Section 103, Abstract,  
 2-63 169, and the northeast corner of the aforementioned J.G. Bennett  
 2-64 Survey, Abstract 292 (Section 104), said point having coordinates  
 2-65 of Y=13,844,228.624, X=2,958,099.425;  
 2-66 THENCE South 87 degrees 53 minutes 32 seconds West along the south  
 2-67 line of the herein described tract, being the common line between  
 2-68 the H&TC Railroad Company Survey, Section 103, Abstract 169, and  
 2-69 the J.G. Bennett Survey, Abstract 292 (Section 104), same being the

3-1 north line of said adjoining Cooper Cameron Corp. called 58.6130  
 3-2 acre tract, and the north line of the aforementioned adjoining  
 3-3 Pennzoil Exploration and Production Company called 142 acre tract  
 3-4 (called South 87 degrees 43 minutes 39 seconds West, 3.204.36 feet)  
 3-5 for a distance of 3,207.21 feet to the Place of Beginning containing  
 3-6 31.6118 acres of land, more or less.  
 3-7 FIELD NOTES FOR 39.3537 ACRE TRACT OF LAND IN THE H&TC RAILROAD  
 3-8 COMPANY SURVEY, SECTION 103, ABSTRACT 169, WALLER COUNTY, TEXAS,  
 3-9 SAID 39.3537 ACRE TRACT BEING THAT CERTAIN CALLED 39.581 ACRE TRACT  
 3-10 (TRACT 2) IN DEED TO K-B MANAGEMENT PARTNERS, LTD., RECORDED IN  
 3-11 VOLUME 305, PAGE 361, DEED RECORDS, WALLER COUNTY, TEXAS, FURTHER  
 3-12 DESCRIBED IN VOLUME 235, PAGE 43, DEED RECORDS, WALLER COUNTY,  
 3-13 TEXAS, BEARINGS FOR THE HEREIN DESCRIBED TRACT ARE GRID BASED UPON  
 3-14 G.P.S. OBSERVATIONS FROM TRANGULATION STATION "BROOKSHIRE",  
 3-15 DISTANCES ARE GEODETIC, SCALE FACTOR USED IS 0.99988896,  
 3-16 COORDINATES ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE, NAD 1983;  
 3-17 BEGINNING at a 3/4 inch iron pipe found on the east tine of Igloo  
 3-18 Road (80 feet right-of-way) for the southwest corner and Place of  
 3-19 Beginning of the herein described 39.3537 acre tract of land, said  
 3-20 point being North 87 degrees 55 minutes 48 seconds East, 11.5 feet  
 3-21 from the southwest corner of the aforementioned H&TC Railroad  
 3-22 Company Survey, Section 103, Abstract 169, same being the northwest  
 3-23 corner of the J.G. Bennett Survey, Abstract 292 (Section 104), said  
 3-24 beginning point also being the northwest corner of an adjoining  
 3-25 161.8245 acre tract (called 161.383 acres), surveyed by the  
 3-26 undersigned this date, being in deed to K-B Management Partners,  
 3-27 LTD., recorded in Volume 305, Page 361, Deed Records, Waller  
 3-28 County, Texas, said point having coordinates Y=13,843,997.417,  
 3-29 X=2,951,761.369;  
 3-30 THENCE North 01 degrees 50 minutes 00 seconds West along the east  
 3-31 line of Igloo Road being the west line of the herein described tract  
 3-32 (called North 00 degrees 14 minutes 57 seconds West, 125.66 feet)  
 3-33 for a distance of 125.66 feet to a 1/2 inch iron pipe with cap marked  
 3-34 "Kalkomey Surveying" set on said line for an angle point;  
 3-35 THENCE North 06 degrees 04 minutes 27 seconds East continuing along  
 3-36 the west line of the herein described tract (called North 07 degrees  
 3-37 39 minutes 20 seconds East, 438.71 feet) for a distance of 438.71  
 3-38 feet to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying"  
 3-39 set at the point of intersection of said line with the south  
 3-40 right-of-way line of Interstate Highway 10 for the northwest corner  
 3-41 of the herein described 39.3537 acre tract of land;  
 3-42 THENCE North 88 degrees 15 minutes 54 seconds East along the south  
 3-43 right-of-way line of Interstate Highway 10, being the north line of  
 3-44 the herein described tract (called North 89 degrees 44 minutes 20  
 3-45 seconds East, 3,073.79 feet) for a distance of 3,072.96 feet to a  
 3-46 1/2 inch iron pipe found on said line for the northeast corner of  
 3-47 the herein described 39.3537 acre tract of land, same being the  
 3-48 northwest corner of an adjoining K-B Management Partners, LTD.,  
 3-49 called 31.6120 acre tract, surveyed this date as 31.6118 acres,  
 3-50 recorded in Volume 305, Page 361 (Deed Description in Volume 236,  
 3-51 Page 630), Deed Records, Waller County, Texas, said point having  
 3-52 coordinates of Y=13,844,652.304, X=2,954,875.326;  
 3-53 THENCE South 02 degrees 00 minutes 55 seconds East along the common  
 3-54 line of the herein described 39.3537 acre tract and the  
 3-55 aforementioned adjoining 31.6118 acre tract surveyed this date  
 3-56 (called South 00 degrees 34 minutes 45 seconds East, 547.87 feet)  
 3-57 for a distance of 541.97 feet to a 1-1/4 iron pipe found at the point  
 3-58 of intersection of said line with the common line of the  
 3-59 aforementioned H&TC Railroad Company Survey, Section 103, Abstract  
 3-60 169, and the J.G. Bennett Survey, Abstract 292 (Section 104), the  
 3-61 southeast corner of the herein described 39.3537 acre tract, same  
 3-62 being the southwest corner of the aforementioned adjoining 31.6118  
 3-63 acre tract surveyed this date, said point also being in the north  
 3-64 line of an adjoining Pennzoil Exploration and Production Company  
 3-65 called 142 acre tract, recorded in Volume 464, Page 271, Deed  
 3-66 Records, Waller County, Texas, said point having coordinates of  
 3-67 Y=13,844,110.6650, X=2,954,894.385;  
 3-68 THENCE South 87 degrees 55 minutes 48 seconds West along the common  
 3-69 line of the H&TC Railroad Company Survey, Section 103, Abstract

4-1 169, and the J.G. Bennett Survey, Abstract 292 (Section 104), being  
 4-2 the north line of the aforementioned Pennzoil Exploration and  
 4-3 Production Company called 142 acre tract, at 244.24 feet pass the  
 4-4 northwest corner of said adjoining called 142 acre Pennzoil  
 4-5 Exploration and Production Company tract, same being the upper  
 4-6 northeast corner of a certain adjoining called 261.7841 acre tract  
 4-7 conveyed to Margene West Lloyd and W.R. Lloyd, Jr., recorded in  
 4-8 Volume 303, Page 584, Deed Records, Waller County, Texas, at 324.24  
 4-9 feet pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying"  
 4-10 set on said line being the upper northwest corner of said adjoining  
 4-11 called 261.7841 acre Lloyd tract, same being the northeast corner  
 4-12 of the aforementioned adjoining K-B Management Partners, LTD.  
 4-13 called 161.383 acre tract (Tract 3), and continue along said line  
 4-14 (called North 89 degrees 30 minutes 50 seconds West, 3,137.31 feet)  
 4-15 for a distance of 3,135.06 feet to the Place of Beginning,  
 4-16 containing 39.3537 acres of land, more or less.  
 4-17 FIELD NOTES FOR A 161.8245 ACRE TRACT OF LAND IN THE J.G. BENNETT  
 4-18 SURVEY, ABSTRACT 292 (SECTION 104), WALLER COUNTY, TEXAS, SAID  
 4-19 161.8245 ACRE TRACT BEING THAT CERTAIN CALLED 161.383 ACRE TRACT  
 4-20 (TRACT 3) IN DEED TO K-B MANAGEMENT PARTNERS LTD. RECORDED IN VOLUME  
 4-21 305, PAGE 361, DEED RECORDS, WALLER COUNTY, TEXAS, FURTHER  
 4-22 DESCRIBED IN VOLUME 236, PAGE 223, DEED RECORDS, WALLER COUNTY,  
 4-23 TEXAS. BEARINGS FOR THE HEREIN DESCRIBED TRACT ARE GRID BASED UPON  
 4-24 G.P.S. OBSERVATIONS OF TRIANGULATION STATION "BROOKSHIRE",  
 4-25 DISTANCES ARE GEODETIC, SCALE FACTOR USED IS 0.99988896.  
 4-26 COORDINATES ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE, NAD 1983;  
 4-27 BEGINNING at a 3/4 inch iron pipe found on the east line of Igloo  
 4-28 Road (80 feet wide) for the north west corner and Place of Beginning  
 4-29 of the herein described 161.8245 acre tract of land, same being a  
 4-30 southwest corner of an adjoining called 39.581 acre tract (surveyed  
 4-31 by the undersigned this date as 39.3537 acres) conveyed to K-B  
 4-32 Management Partners, LTD. recorded in Volume 305, Page 361, and  
 4-33 further described in Volume 235, Page 43, Deed Records, Waller  
 4-34 County, Texas, said beginning point having coordinates of  
 4-35 Y=13,843,997.417, X=2,951,761.369, said point being North 87  
 4-36 degrees 55 minutes 48 seconds East. 11.5 feet from. the southwest  
 4-37 corner of the H&TC Railroad Company Survey, Section 103, Abstract  
 4-38 169, same being the northwest corner of the J.G. Bennett Survey,  
 4-39 Abstract 292 (Section 104);  
 4-40 THENCE North 87 degrees 55 minutes 48 seconds East, along the common  
 4-41 line of the aforementioned H&TC Railroad Company Survey, Section  
 4-42 103, and the J.G. Bennett Survey, Abstract 292 (Section 104), being  
 4-43 the common line between the herein described 161.8245 acre tract  
 4-44 and said adjoining called 39.581 acre K-B Management Partners  
 4-45 tract, (called North 89 degrees 30 minutes 50 seconds East,  
 4-46 2,813.08 feet) for a distance of 2,810.83 feet to a 1/2 inch iron  
 4-47 pipe with cap marked "Kalkomey Surveying" set on said line for the  
 4-48 northeast corner of the herein described 161.8245 acre tract of  
 4-49 land, same being the most northerly northwest corner of the  
 4-50 adjoining Margene West Lloyd and W. R. Lloyd, Jr. called 261.7841  
 4-51 acre tract, recorded in Volume 303, Page 584, Deed Records, Waller  
 4-52 County, Texas;  
 4-53 THENCE South 02 degrees 36 minutes 59 seconds East along the east  
 4-54 line of the herein described tract, same being the upper west line  
 4-55 of the aforementioned adjoining called 261.7841 acre Lloyd tract  
 4-56 (called South 00 degrees 37 minutes 04 seconds East, 2,482.08 feet)  
 4-57 for a distance of 2,493.17 feet to a 1/2 inch iron pipe with cap  
 4-58 marked "Kalkomey Surveying" set for the southeast corner of the  
 4-59 herein described 161.8245 acre tract of land, same being a re-entry  
 4-60 corner to the aforementioned adjoining called 261.7841 acre Lloyd  
 4-61 tract, said point having coordinates Y=13,841,608.37995,  
 4-62 X=2,954,684.177568;  
 4-63 THENCE South 88 degrees 02 minutes 01 second West along the south  
 4-64 line of the herein described tract, being the lower north line of  
 4-65 the aforementioned adjoining called 261.7841 acre Lloyd tract  
 4-66 (called South 89 degrees 30 minutes West, 2,850.65 feet), for a  
 4-67 distance of 2,850.00 feet to a 1/2 inch iron pipe found on the east  
 4-68 line of Igloo Road (80 feet) for the southwest corner of the herein  
 4-69 described 161.8245 acre tract, same being the lower northwest

5-1 corner of the aforementioned adjoining called 261.7841 acre Lloyd  
5-2 tract;  
5-3 THENCE North 01 degree 42 minutes 56 seconds West, along the east  
5-4 line of Igloo Road and the west line of the herein described tract  
5-5 (called North 00 degrees 14 minutes 57 seconds West, 2,482.97 feet)  
5-6 for a distance of 2,487.95 feet to the Place of Beginning,  
5-7 containing 161.8245 acres of land, more or less.

5-8 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The boundaries  
5-9 and field notes of the district form a closure. A mistake in the  
5-10 field notes or in copying the field notes in the legislative process  
5-11 does not in any way affect the district's:

- 5-12 (1) organization, existence, or validity;
- 5-13 (2) right to issue any type of bond for the purposes  
5-14 for which the district is created or to pay the principal of and  
5-15 interest on a bond;
- 5-16 (3) right to impose or collect an assessment or tax; or
- 5-17 (4) legality or operation.

5-18 SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The  
5-19 district is created to serve a public use and benefit.

5-20 (b) All land and other property included in the district  
5-21 will benefit from the improvements and services to be provided by  
5-22 the district under powers conferred by Sections 52 and 52-a,  
5-23 Article III, and Section 59, Article XVI, Texas Constitution, and  
5-24 other powers granted under this Act.

5-25 (c) The creation of the district is in the public interest  
5-26 and is essential to:

- 5-27 (1) further the public purposes of the development and  
5-28 diversification of the economy of the state;
- 5-29 (2) eliminate unemployment and underemployment; and
- 5-30 (3) develop or expand transportation and commerce.

5-31 (d) The present and prospective traffic congestion in the  
5-32 district and the safety of pedestrians and the limited availability  
5-33 of funds require the promotion and development of public  
5-34 transportation and pedestrian facilities and systems, and the  
5-35 district will serve the public purpose of securing expanded and  
5-36 improved transportation and pedestrian facilities and systems.

5-37 (e) The district will:

- 5-38 (1) promote the health, safety, and general welfare of  
5-39 residents, employers, employees, visitors, and consumers in the  
5-40 district and of the public;
- 5-41 (2) provide needed funding to preserve, maintain, and  
5-42 enhance the economic health and vitality of the district as a  
5-43 community; and
- 5-44 (3) promote the health, safety, welfare, and enjoyment  
5-45 of the public by providing pedestrian ways and by landscaping and  
5-46 developing certain areas in the district, which are necessary for  
5-47 the restoration, preservation, and enhancement of scenic beauty.

5-48 (f) Pedestrian ways along or across a street, whether at  
5-49 grade or above or below the surface, and street lighting, street  
5-50 landscaping, and street art objects are parts of and necessary  
5-51 components of a street and are considered to be a street or road  
5-52 improvement.

5-53 (g) The district will not act as the agent or  
5-54 instrumentality of any private interest even though the district  
5-55 will benefit many private interests as well as the public.

5-56 SECTION 7. APPLICATION OF OTHER LAW. Chapter 311,  
5-57 Government Code (Code Construction Act), applies to this Act.

5-58 SECTION 8. CONSTRUCTION OF ACT. (a) This Act shall be  
5-59 liberally construed in conformity with the findings and purposes  
5-60 set forth in this Act.

5-61 (b) If any provision of the general law conflicts with this  
5-62 Act, this Act prevails.

5-63 SECTION 9. BOARD OF DIRECTORS; TERMS. (a) The district is  
5-64 governed by a board of five elected directors who serve staggered  
5-65 terms of four years.

5-66 (b) Elections for directors shall be held on the uniform  
5-67 election date in May in even-numbered years.

5-68 SECTION 10. QUALIFICATIONS. (a) A person must meet the  
5-69 qualifications of Section 375.063, Local Government Code, to serve

6-1 as a director of the district.

6-2 (b) Section 49.052, Water Code, does not apply to directors  
6-3 of the district.

6-4 SECTION 11. POWERS OF DISTRICT. (a) The district has all  
6-5 powers and authority provided by the general laws on road districts  
6-6 and road utility districts created under Section 52, Article III,  
6-7 Texas Constitution, and conservation and reclamation districts and  
6-8 municipal management districts created under Section 59, Article  
6-9 XVI, Texas Constitution, including:

6-10 (1) Chapters 257 and 441, Transportation Code;

6-11 (2) Chapter 375, Local Government Code; and

6-12 (3) Chapters 49 and 54, Water Code.

6-13 (b) Authority granted by this Act shall in no way affect or  
6-14 impact the powers and authority of the Brookshire-Katy Drainage  
6-15 District of Waller County.

6-16 SECTION 12. AGREEMENTS; GRANTS. (a) The district may make  
6-17 an agreement with or accept a gift, grant, or loan from any person.

6-18 (b) The implementation of a project is a governmental  
6-19 function or service for the purposes of Chapter 791, Government  
6-20 Code.

6-21 SECTION 13. LAW ENFORCEMENT SERVICES. To protect the  
6-22 public interest, the district may contract with a municipality or  
6-23 county to provide law enforcement services in the district for a  
6-24 fee.

6-25 SECTION 14. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
6-26 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem  
6-27 tax, assessment, or impact fee and use the proceeds of the tax,  
6-28 assessment, or impact fee for any district purpose, including the  
6-29 payment of debt or other contractual obligations, or the payment of  
6-30 maintenance and operating expenses.

6-31 SECTION 15. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
6-32 district must hold an election in the manner provided by Chapters 49  
6-33 and 54, Water Code, to obtain voter approval before the district may  
6-34 impose a maintenance tax or issue bonds payable from ad valorem  
6-35 taxes.

6-36 (b) The board may include more than one purpose in a single  
6-37 proposition at an election.

6-38 SECTION 16. MAINTENANCE TAX. (a) The district may impose  
6-39 an annual ad valorem tax on taxable property in the district for any  
6-40 district purpose, including to:

6-41 (1) maintain and operate the district, including  
6-42 improvements constructed or acquired by the district; or

6-43 (2) provide a service.

6-44 (b) The board shall determine the tax rate.

6-45 SECTION 17. ASSESSMENTS; PETITION REQUIRED FOR FINANCING  
6-46 SERVICES AND IMPROVEMENTS. (a) The board by resolution may impose  
6-47 and collect an assessment for any purpose authorized by this Act.

6-48 (b) The board may not finance a service or improvement  
6-49 project through an assessment under this Act unless a written  
6-50 petition requesting that service or improvement has been filed with  
6-51 the board. The petition must be signed by:

6-52 (1) the owners of a majority of the assessed value of  
6-53 real property in the district that will be subject to the assessment  
6-54 according to the most recent certified tax appraisal roll for the  
6-55 county in which the property is located; or

6-56 (2) at least 25 owners of land in the district that  
6-57 will be subject to the assessment, if more than 25 persons own land  
6-58 in the district that will be subject to the assessment according to  
6-59 the most recent certified tax appraisal roll for the county in which  
6-60 the property is located.

6-61 (c) An assessment, a reassessment, or an assessment  
6-62 resulting from an addition to or correction of the assessment roll  
6-63 by the district, penalties and interest on an assessment or  
6-64 reassessment, an expense of collection, and reasonable attorney's  
6-65 fees incurred by the district:

6-66 (1) are a first and prior lien against the property  
6-67 assessed;

6-68 (2) are superior to any other lien or claim other than  
6-69 a lien or claim for county, school district, or municipal ad valorem

7-1 taxes; and

7-2 (3) are the personal liability of and charge against  
7-3 the owners of the property even if the owners are not named in the  
7-4 assessment proceeding.

7-5 (d) The lien is effective from the date of the board's  
7-6 resolution imposing the assessment until the date the assessment is  
7-7 paid. The board may enforce the lien in the same manner that the  
7-8 board may enforce an ad valorem tax lien against real property.

7-9 SECTION 18. OBLIGATIONS. (a) The district may issue bonds  
7-10 or other obligations payable in whole or in part from ad valorem  
7-11 taxes, assessments, impact fees, revenue, grants, or other money of  
7-12 the district, or any combination of those sources of money, to pay  
7-13 for any authorized purpose of the district.

7-14 (b) In exercising the district's borrowing power, the  
7-15 district may issue a bond or other obligation in the form of a bond,  
7-16 note, certificate of participation or other instrument evidencing a  
7-17 proportionate interest in payments to be made by the district, or  
7-18 other type of obligation.

7-19 SECTION 19. INITIAL DIRECTORS. (a) The initial board  
7-20 consists of the following persons:

- 7-21 (1) Julie Magness;
- 7-22 (2) Craig Artze;
- 7-23 (3) Julie Crum;
- 7-24 (4) Gary Tankersley; and
- 7-25 (5) Jennifer Kramer.

7-26 (b) Of the initial directors, the terms of the first three  
7-27 directors named in Subsection (a) expire on June 1, 2006, and the  
7-28 terms of the last two directors named in Subsection (a) expire on  
7-29 June 1, 2004.

7-30 (c) On the uniform election date in May 2004, the board  
7-31 shall hold an election for the directors whose terms expire on June  
7-32 1, 2004. On the uniform election date in May 2006, the board shall  
7-33 hold an election for the directors whose terms expire on June 1,  
7-34 2006.

7-35 (d) This section expires September 1, 2006.

7-36 SECTION 20. UTILITIES. The district may not impose an  
7-37 impact fee or assessment on the property, equipment, rights-of-way,  
7-38 facilities, or improvements of an electric utility or a power  
7-39 generation company as defined by Section 31.002, Utilities Code, a  
7-40 telecommunications provider as defined by Section 51.002,  
7-41 Utilities Code, or a gas utility as defined by Section 101.003 or  
7-42 121.001, Utilities Code. If the district, in the exercise of the  
7-43 powers conferred upon it herein, requires or requests the  
7-44 relocation, rerouting, or removal of electric, gas, water, sewer,  
7-45 communications, or other public utilities, the relocation,  
7-46 rerouting, or removal shall be at the sole expense of the district.

7-47 SECTION 21. ADDITIONAL LEGISLATIVE FINDINGS. The  
7-48 legislature finds that:

7-49 (1) proper and legal notice of the intention to  
7-50 introduce this Act, setting forth the general substance of this  
7-51 Act, has been published as provided by law, and the notice and a  
7-52 copy of this Act have been furnished to all persons, agencies,  
7-53 officials, or entities to which they are required to be furnished by  
7-54 the constitution and laws of this state, including the governor,  
7-55 who has submitted the notice and Act to the Texas Commission on  
7-56 Environmental Quality;

7-57 (2) the Texas Commission on Environmental Quality has  
7-58 filed its recommendations relating to this Act with the governor,  
7-59 lieutenant governor, and speaker of the house of representatives  
7-60 within the required time;

7-61 (3) the general law relating to consent by political  
7-62 subdivisions to the creation of districts with conservation,  
7-63 reclamation, and road powers and the inclusion of land in those  
7-64 districts has been complied with; and

7-65 (4) all requirements of the constitution and laws of  
7-66 this state and the rules and procedures of the legislature with  
7-67 respect to the notice, introduction, and passage of this Act have  
7-68 been fulfilled and accomplished.

7-69 SECTION 22. EFFECTIVE DATE. This Act takes effect

8-1 immediately if it receives a vote of two-thirds of all the members  
8-2 elected to each house, as provided by Section 39, Article III, Texas  
8-3 Constitution. If this Act does not receive the vote necessary for  
8-4 immediate effect, this Act takes effect September 1, 2003.

8-5

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