

1-1 By: Gallegos S.B. No. 813
1-2 (In the Senate - Filed February 21, 2011; March 1, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 17, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; March 17, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Harris County Municipal Utility
1-9 District No. 528; providing authority to impose a tax and issue
1-10 bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8318 to read as follows:

1-14 CHAPTER 8318. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 528

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8318.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Commission" means the Texas Commission on
1-19 Environmental Quality.

1-20 (3) "Director" means a board member.

1-21 (4) "District" means the Harris County Municipal
1-22 Utility District No. 528.

1-23 Sec. 8318.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district created under Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 8318.003. CONFIRMATION AND DIRECTORS' ELECTION
1-27 REQUIRED. The temporary directors shall hold an election to
1-28 confirm the creation of the district and to elect five permanent
1-29 directors as provided by Section 49.102, Water Code.

1-30 Sec. 8318.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-31 temporary directors may not hold an election under Section 8318.003
1-32 until each municipality in whose corporate limits or
1-33 extraterritorial jurisdiction the district is located has
1-34 consented by ordinance or resolution to the creation of the
1-35 district and to the inclusion of land in the district.

1-36 Sec. 8318.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-37 (a) The district is created to serve a public purpose and benefit.

1-38 (b) The district is created to accomplish the purposes of:

1-39 (1) a municipal utility district as provided by
1-40 general law and Section 59, Article XVI, Texas Constitution; and

1-41 (2) Section 52, Article III, Texas Constitution, that
1-42 relate to the construction, acquisition, improvement, operation,
1-43 or maintenance of macadamized, graveled, or paved roads, or
1-44 improvements, including storm drainage, in aid of those roads.

1-45 Sec. 8318.006. INITIAL DISTRICT TERRITORY. (a) The
1-46 district is initially composed of the territory described by
1-47 Section 2 of the Act enacting this chapter.

1-48 (b) The boundaries and field notes contained in Section 2 of
1-49 the Act enacting this chapter form a closure. A mistake made in the
1-50 field notes or in copying the field notes in the legislative process
1-51 does not affect the district's:

1-52 (1) organization, existence, or validity;

1-53 (2) right to issue any type of bond for the purposes
1-54 for which the district is created or to pay the principal of and
1-55 interest on a bond;

1-56 (3) right to impose a tax; or

1-57 (4) legality or operation.

1-58 [Sections 8318.007-8318.050 reserved for expansion]

1-59 SUBCHAPTER B. BOARD OF DIRECTORS

1-60 Sec. 8318.051. GOVERNING BODY; TERMS. (a) The district is
1-61 governed by a board of five elected directors.

1-62 (b) Except as provided by Section 8318.052, directors serve
1-63 staggered four-year terms.

1-64 Sec. 8318.052. TEMPORARY DIRECTORS. (a) On or after

2-1 September 1, 2011, the owner or owners of a majority of the assessed
 2-2 value of the real property in the district may submit a petition to
 2-3 the commission requesting that the commission appoint as temporary
 2-4 directors the five persons named in the petition. The commission
 2-5 shall appoint as temporary directors the five persons named in the
 2-6 petition.

2-7 (b) Temporary directors serve until the earlier of:
 2-8 (1) the date permanent directors are elected under
 2-9 Section 8318.003; or
 2-10 (2) September 1, 2015.

2-11 (c) If permanent directors have not been elected under
 2-12 Section 8318.003 and the terms of the temporary directors have
 2-13 expired, successor temporary directors shall be appointed or
 2-14 reappointed as provided by Subsection (d) to serve terms that
 2-15 expire on the earlier of:

2-16 (1) the date permanent directors are elected under
 2-17 Section 8318.003; or
 2-18 (2) the fourth anniversary of the date of the
 2-19 appointment or reappointment.

2-20 (d) If Subsection (c) applies, the owner or owners of a
 2-21 majority of the assessed value of the real property in the district
 2-22 may submit a petition to the commission requesting that the
 2-23 commission appoint as successor temporary directors the five
 2-24 persons named in the petition. The commission shall appoint as
 2-25 successor temporary directors the five persons named in the
 2-26 petition.

2-27 [Sections 8318.053-8318.100 reserved for expansion]

2-28 SUBCHAPTER C. POWERS AND DUTIES

2-29 Sec. 8318.101. GENERAL POWERS AND DUTIES. The district has
 2-30 the powers and duties necessary to accomplish the purposes for
 2-31 which the district is created.

2-32 Sec. 8318.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-33 DUTIES. The district has the powers and duties provided by the
 2-34 general law of this state, including Chapters 49 and 54, Water Code,
 2-35 applicable to municipal utility districts created under Section 59,
 2-36 Article XVI, Texas Constitution.

2-37 Sec. 8318.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-38 52, Article III, Texas Constitution, the district may design,
 2-39 acquire, construct, finance, issue bonds for, improve, operate,
 2-40 maintain, and convey to this state, a county, or a municipality for
 2-41 operation and maintenance macadamized, graveled, or paved roads, or
 2-42 improvements, including storm drainage, in aid of those roads.

2-43 Sec. 8318.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-44 road project must meet all applicable construction standards,
 2-45 zoning and subdivision requirements, and regulations of each
 2-46 municipality in whose corporate limits or extraterritorial
 2-47 jurisdiction the road project is located.

2-48 (b) If a road project is not located in the corporate limits
 2-49 or extraterritorial jurisdiction of a municipality, the road
 2-50 project must meet all applicable construction standards,
 2-51 subdivision requirements, and regulations of each county in which
 2-52 the road project is located.

2-53 (c) If the state will maintain and operate the road, the
 2-54 Texas Transportation Commission must approve the plans and
 2-55 specifications of the road project.

2-56 Sec. 8318.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-57 OR RESOLUTION. The district shall comply with all applicable
 2-58 requirements of any ordinance or resolution adopted by the city
 2-59 council of the City of Baytown.

2-60 Sec. 8318.106. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-61 district may not exercise the power of eminent domain outside the
 2-62 district to acquire a site or easement for:

2-63 (1) a road project authorized by Section 8318.103; or
 2-64 (2) a recreational facility as defined by Section
 2-65 49.462, Water Code.

2-66 [Sections 8318.107-8318.150 reserved for expansion]

2-67 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-68 Sec. 8318.151. ELECTIONS REGARDING TAXES OR BONDS. (a)
 2-69 The district may issue, without an election, bonds and other

3-1 obligations secured by:

3-2 (1) revenue other than ad valorem taxes; or

3-3 (2) contract payments described by Section 8318.153.

3-4 (b) The district must hold an election in the manner
 3-5 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-6 before the district may impose an ad valorem tax or issue bonds
 3-7 payable from ad valorem taxes.

3-8 (c) The district may not issue bonds payable from ad valorem
 3-9 taxes to finance a road project unless the issuance is approved by a
 3-10 vote of a two-thirds majority of the district voters voting at an
 3-11 election held for that purpose.

3-12 Sec. 8318.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-13 authorized at an election held under Section 8318.151, the district
 3-14 may impose an operation and maintenance tax on taxable property in
 3-15 the district in accordance with Section 49.107, Water Code.

3-16 (b) The board shall determine the tax rate. The rate may not
 3-17 exceed the rate approved at the election.

3-18 Sec. 8318.153. CONTRACT TAXES. (a) In accordance with
 3-19 Section 49.108, Water Code, the district may impose a tax other than
 3-20 an operation and maintenance tax and use the revenue derived from
 3-21 the tax to make payments under a contract after the provisions of
 3-22 the contract have been approved by a majority of the district voters
 3-23 voting at an election held for that purpose.

3-24 (b) A contract approved by the district voters may contain a
 3-25 provision stating that the contract may be modified or amended by
 3-26 the board without further voter approval.

3-27 [Sections 8318.154-8318.200 reserved for expansion]

3-28 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-29 Sec. 8318.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-30 OBLIGATIONS. The district may issue bonds or other obligations
 3-31 payable wholly or partly from ad valorem taxes, impact fees,
 3-32 revenue, contract payments, grants, or other district money, or any
 3-33 combination of those sources, to pay for any authorized district
 3-34 purpose.

3-35 Sec. 8318.202. TAXES FOR BONDS. At the time the district
 3-36 issues bonds payable wholly or partly from ad valorem taxes, the
 3-37 board shall provide for the annual imposition of a continuing
 3-38 direct ad valorem tax, without limit as to rate or amount, while all
 3-39 or part of the bonds are outstanding as required and in the manner
 3-40 provided by Sections 54.601 and 54.602, Water Code.

3-41 Sec. 8318.203. BONDS FOR ROAD PROJECTS. At the time of
 3-42 issuance, the total principal amount of bonds or other obligations
 3-43 issued or incurred to finance road projects and payable from ad
 3-44 valorem taxes may not exceed one-fourth of the assessed value of the
 3-45 real property in the district.

3-46 SECTION 2. The Harris County Municipal Utility District No.
 3-47 528 initially includes all the territory contained in the following
 3-48 area:

3-49 TRACT 1

3-50 FIELD NOTES of a 27.8347 acre tract of land situated in the William
 3-51 Scott Lower league, Abstract No. 65, Harris County, Texas, and
 3-52 being out of and a part of a 1541 acre tract of land conveyed to
 3-53 Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated
 3-54 November 29, 1935, and recorded in Volume 996 at Page 379 of the
 3-55 Deed Records of Harris County, Texas. This 27.8347 acre tract of
 3-56 land is more particularly described by metes and bounds as follows,
 3-57 to-wit:

3-58 NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES
 3-59 REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL
 3-60 ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR =
 3-61 0.9998389.

3-62 BEGINNING at a concrete right-of-way monument found at the
 3-63 intersection of the North right-of-way line of Spur 55
 3-64 (right-of-way width varies) and the East right-of-way line of State
 3-65 Highway 146 (right-of-way width varies). Said point being
 3-66 Westernmost Southwest corner and POINT OF BEGINNING of this tract
 3-67 and having a State Plane Coordinate Value of N=13,832,328.10 and
 3-68 E=3,250,340.20. Said point being in a curve to the left, concave
 3-69 Westerly.

4-1 THENCE: Along and around said curve to the left, in a Northerly
4-2 direction, along the West line of this tract and the East
4-3 right-of-way line of said State Highway No. 146, said curve having a
4-4 central angle of 15°57'18", a radius of 1629.82 feet, and a chord
4-5 bearing and distance of North 23°06'38" East 452.39 feet, for an arc
4-6 length of 453.85 feet to a concrete right-of-way monument found for
4-7 the TERMINATION POINT of said curve.

4-8 THENCE: North 10°06'20" East along the West line of this tract and
4-9 the East right-of-way line of said State Highway No. 146, for a
4-10 distance of 97.12 feet to a 1/2 inch iron rod, with cap, set for the
4-11 Northwest corner of this tract and the Southwest corner of that
4-12 certain 33.00 acre tract of land conveyed by Ashbel Smith
4-13 Management Company, et al, to Goose Creek Consolidated Independent
4-14 School District by Deed dated June 5, 1991 and recorded under County
4-15 Clerk's File No. N174232 of the Official Public Records of Real
4-16 Property of Harris County, Texas.

4-17 THENCE: South 73°11'36" East along the North line of this tract and
4-18 the South line of said 33.00 acre tract for a distance of 1795.57
4-19 feet to a 1/2 inch iron rod, with cap, set in the West right-of-way
4-20 line of Tri-Cities Beach Road (80 feet wide right-of-way) for the
4-21 Southeast corner of said 33.00 acres and the Northeast corner of
4-22 this tract.

4-23 THENCE: South 08°04'39" East along the Northernmost East line of
4-24 this tract and the West right-of-way line of said Tri-Cities Beach
4-25 Road for a distance of 572.67 feet to a 1/2 inch iron rod, with cap,
4-26 set for the Easternmost Southeast corner of this tract at the
4-27 intersection of the West right-of-way line of Tri-Cities Beach Road
4-28 with the North right-of-way line of said Spur 55.

4-29 THENCE: South 49°20'06" West along the Southernmost East line of
4-30 this tract and the North right-of-way line of said Spur 55 for a
4-31 distance of 104.30 feet to 1/2 inch iron rod, with cap, set for the
4-32 Southernmost Southeast corner of this tract and an angle point in
4-33 the North right-of-way line of said Spur 55.

4-34 THENCE: North 73°15'09" West along the South line of this tract and
4-35 the North right-of-way line of said Spur 55 for a distance of 118.36
4-36 feet to a 1/2 inch iron rod, with cap, set for an angle point in said
4-37 line.

4-38 THENCE: North 74°30'59" West along the South line of this tract and
4-39 the North right-of-way line of said Spur 55 for a distance of
4-40 1813.52 feet to a 1/2 inch iron rod, with cap, set for the
4-41 Southernmost Southwest corner of this tract and an angle point in
4-42 the North right-of-way line of said Spur 55.

4-43 THENCE: North 23°25'09" West along the Southernmost West line of
4-44 this tract and the North right-of-way line of said Spur 55 for a
4-45 distance of 135.34 feet to the PLACE OF BEGINNING and containing
4-46 within these boundaries 27.8347 acres of land.

4-47 TRACT 2

4-48 FIELD NOTES of a 28.5456 acre tract of land situated in the William
4-49 Scott Lower league, Abstract No. 65, Harris County, Texas, and
4-50 being out of and a part of a 1541 acre tract of land conveyed to
4-51 Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated
4-52 November 29, 1935, and recorded in Volume 996 at Page 379 of the
4-53 Deed Records of Harris County, Texas. This 28.5456 acre tract of
4-54 land is more particularly described by metes and bounds as follows,
4-55 to-wit:

4-56 NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES
4-57 REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL
4-58 ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR =
4-59 0.9998389.

4-60 BEGINNING at a 1/2 inch iron rod, with cap, set at the intersection
4-61 of the Northwest right-of-way line of State Highway No. 146 (200
4-62 feet wide right-of-way) with the East right-of-way of the Missouri
4-63 Pacific Railroad (Parcel No. 1 containing 3.66104 acres conveyed by
4-64 Ashbel Smith Land Company to Missouri Pacific Railroad Company by
4-65 Deed dated January 9, 1967 and recorded in Volume 6644 at Page 486
4-66 of the Deed Records of Harris County, Texas). Said point being the
4-67 Southwest corner and POINT OF BEGINNING of this tract and having a
4-68 State Plane Coordinate Value of N=13,831,254.86 and
4-69 E=3,248,223.73.

5-1 THENCE: North 24°15'03" West along the Southernmost West line of
5-2 this tract and the East right-of-way line of said Missouri Pacific
5-3 Railroad for a distance of 540.66 feet to a 1/2 inch iron, with cap,
5-4 set for the BEGINNING POINT of a curve to the right, concave
5-5 Easterly.
5-6 THENCE: Along and around said curve to the right, in a
5-7 Northwesterly direction, along the Southernmost West line of this
5-8 tract and the East right-of-way line of said Missouri Pacific
5-9 Railroad, said curve having a central angle of 06°37'49", a radius
5-10 of 1065.93 feet, and a chord bearing and distance of North 20°56'07"
5-11 West 123.28 feet, for an arc length of 123.35 feet to a fence corner
5-12 post found for an interior corner of this tract and an exterior
5-13 corner of said Missouri Pacific Railroad.
5-14 THENCE: South 71°27'32" West along the Westernmost South line of
5-15 this tract and an exterior line of said Missouri Pacific Railroad
5-16 for a distance of 30.00 feet to a fence corner post found for an
5-17 exterior corner of this tract and an interior corner of said
5-18 Missouri Pacific Railroad; said point being the BEGINNING POINT of
5-19 a curve to the right, concave Easterly.
5-20 THENCE: Along and around said curve to the right, in a Northerly
5-21 direction, along the Northernmost West line of this tract and the
5-22 East right-of-way line of said Missouri Pacific Railroad, said
5-23 curve having a central angle of 17°22'22", a radius of 1095.93 feet,
5-24 and a chord bearing of North 08°57'32" West 331.03 feet, for an arc
5-25 length of 332.30 feet to a 1/2 inch iron rod, with cap, set for the
5-26 TERMINATION POINT of said curve.
5-27 THENCE: North 00°22'43" West along the Northernmost West line of
5-28 this tract and the East right-of-way line of said Missouri Pacific
5-29 Railroad for a distance of 164.82 feet to a fence corner post found
5-30 at the intersection of said line with the South right-of-way line of
5-31 Alexander Drive (120 feet wide right-of-way) for the Northwest
5-32 corner of this tract.
5-33 THENCE: South 88°36'31" East along the South right-of-way line of
5-34 South Alexander Drive and the North line of this tract for a
5-35 distance of 742.80 feet to a concrete right-of-way monument found
5-36 for an angle point in said line.
5-37 THENCE: South 88°51'51" East along the South right-of-way line of
5-38 South Alexander Drive and the North line of this tract for a
5-39 distance of 648.31 feet to a concrete right-of-way monument found
5-40 for the BEGINNING POINT of a curve to the right, concave Southerly.
5-41 THENCE: Along and around said curve to the right, along the North
5-42 line of this tract and the South right-of-way line of said South
5-43 Alexander Drive, in an Easterly direction, said curve having a
5-44 central angle of 07°23'27", a radius of 2804.76 feet, and a chord
5-45 bearing and distance of South 84°50'16" East 361.55 feet, for an arc
5-46 length of 361.80 feet to a 1/2 inch iron rod, with cap, set for the
5-47 Northeast corner of this tract at the intersection of the South
5-48 right-of-way line of South Alexander Drive with a West right-of-way
5-49 line of State Highway No. 146.
5-50 THENCE: South 18°20'49" East along the East line of this tract and a
5-51 West right-of-way line of said State Highway No. 146, for a distance
5-52 of 156.45 feet to a 1/2 inch iron rod, with cap, set for the
5-53 Southeast corner of this tract and an interior corner of said State
5-54 Highway No. 146 right-of-way. Said point being in a curve to the
5-55 right, concave Northerly.
5-56 THENCE: Along and around said curve to the right, in a Westerly
5-57 direction, along the South line of this tract and the North
5-58 right-of-way line of said State Highway No. 146, said curve having a
5-59 central angle of 07°12'01", a chord bearing and distance of South
5-60 48°00'47" West 476.69 feet, for an arc length of 477.00 feet to a 1/2
5-61 inch iron rod, with cap, set for the TERMINATION POINT of said
5-62 curve.
5-63 THENCE: South 59°19'20" West along the South line of this tract and
5-64 the North right-of-way line of said State Highway No. 146 for a
5-65 distance of 478.02 feet to a 1/2 inch iron rod, with cap, set for an
5-66 angle point in said line.
5-67 THENCE: South 65°20'11" West along the South line of this tract and
5-68 the North right-of-way line of said State Highway No. 146 for a
5-69 distance of 756.46 feet to the PLACE OF BEGINNING and containing

6-1 within these boundaries 28.5456 acres of land.
6-2 TRACT 3
6-3 FIELD NOTES of a 180.9042 acre tract of land situated in the William
6-4 Scott Lower League, Abstract No. 65, Harris County, Texas, and
6-5 being out of and a part of a 1541 acre tract of land conveyed to
6-6 Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated
6-7 November 29, 1935, and recorded in Volume 996 at Page 379 of the
6-8 Deed Records of Harris County, Texas. This 180.9042 acre tract of
6-9 land is more particularly described by metes and bounds as follows,
6-10 to-wit:
6-11 NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES
6-12 REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL
6-13 ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR =
6-14 0.9998389.
6-15 COMMENCING at a 2 inch iron pipe for the Northeast corner of a
6-16 1.5116 acre tract of land called Tract 2 conveyed to Jack A. Howard,
6-17 et al, by Robert O. Busch, et al, by Deed dated March 15, 1978, and
6-18 recorded at County Clerk's file No. F530458 of the Official Public
6-19 Records of Real Property of Harris County, Texas, and in the South
6-20 right-of-way line of State Highway No. 146, 200 foot wide
6-21 right-of-way. Said COMMENCING POINT has a State Plane Coordinate
6-22 Value of N=13,830,522.01 and E=3,247,084.46.
6-23 THENCE: South 16°07'47" West along the East line of said 1.5116
6-24 acres for a distance of 677.44 feet to a 2-1/2 inch metal post for
6-25 the Northwest corner and POINT OF BEGINNING of this tract.
6-26 THENCE: South 89°15'51" East along the North line of this tract for
6-27 a distance of 1329.80 feet to a point for the Northeast corner of
6-28 this tract.
6-29 THENCE: South 00°44'09" West along the East line of this tract for a
6-30 distance of 2982.46 feet to a point for an angle point in said East
6-31 line.
6-32 THENCE: South 19°20'00" West along the East line of this tract for a
6-33 distance of 1000.68 feet to a point for an angle point in said East
6-34 line.
6-35 THENCE: South 31°08'04" West along the East line of this tract for a
6-36 distance of 908.34 feet to a point in the North right-of-way line of
6-37 Evergreen Road (60 feet wide right-of-way) for the Southeast corner
6-38 of this tract.
6-39 THENCE: North 58°51'56" West along the Easternmost South line of
6-40 this tract and the North right-of-way line of Evergreen Road for a
6-41 distance of 409.49 feet to a 1/2 inch iron rod, with cap, for the
6-42 BEGINNING POINT of a curve to the right, concave Northeast.
6-43 THENCE: Along and around said curve, in a Northwesterly direction,
6-44 with the Easternmost South line of this tract of land and the
6-45 Northeast right-of-way line of Evergreen Road, said curve having a
6-46 central angle of 15°59'48", a radius of 789.20 feet, and a chord
6-47 bearing and distance of North 50°50'40" West 219.63 feet, for an arc
6-48 length of 220.34 feet to a 1/2 inch iron rod for the TERMINATION
6-49 POINT of said curve.
6-50 THENCE: North 42°52'16" West along the Easternmost South line of
6-51 this tract of land and the Northeast right-of-way line of Evergreen
6-52 Road for a distance of 685.33 feet to a 1/2 inch iron rod for the
6-53 BEGINNING POINT of a curve to the left, concave Southwest.
6-54 THENCE: Along and around said curve to the left, in a Northerly
6-55 direction, with the Easternmost South line of this tract of land and
6-56 the Northeast right-of-way line of Evergreen Road, said curve
6-57 having a central angle of 03°08'33", a radius of 6814.28 feet, and a
6-58 chord bearing and distance of North 44°27'42" West 373.68 feet, for
6-59 an arc length of 373.73 feet, to a 1/2 inch iron rod for the
6-60 TERMINATION POINT of said curve.
6-61 THENCE: North 46°00'58" West along the Easternmost South line of
6-62 this tract of land and the Northeast right-of-way line of Evergreen
6-63 Road for a distance of 531.26 feet to a 1/2 inch iron rod, with cap,
6-64 for the Southernmost Southwest corner of this tract of land and the
6-65 Southeast corner of an 80 acre tract of land conveyed to Bill W.
6-66 Nance by Alvie Wright Nance, by Deed dated October 22, 1996, and
6-67 recorded under County Clerk's File No. S210455 of the Official
6-68 Public Records of Real Property of Harris County, Texas.
6-69 THENCE: North 50°36'12" East along the Southernmost West line of

7-1 this tract of land and the East line of said 80 acre tract of land,
7-2 and at 2.37 feet pass a 4 inch pipe fence corner post, continuing
7-3 along said line and a barb wire fence a total distance of 536.04
7-4 feet to a 2 inch iron pipe for an interior corner of this tract of
7-5 land and an angle corner of said 80 acre tract of land.

7-6 THENCE: North 54°45'13" West along the Westernmost South line of
7-7 this tract and an exterior line of said 80 acre tract, and along a
7-8 barb wire fence, for a distance of 293.16 feet to a 1/2 inch iron
7-9 rod, with cap, for the Westernmost Southwest corner of this tract.

7-10 THENCE: In a Northerly direction along the Northernmost West line
7-11 of this tract of land and the East line of said 80 acre tract of
7-12 land, and a barb wire fence line the following courses and
7-13 distances:

7-14 North 16°15'01" East for a distance of 1171.99 feet to a 2 inch
7-15 iron pipe;

7-16 North 43°11'17" East for a distance of 341.17 feet to a 2 inch
7-17 iron pipe;

7-18 North 18°00'45" East for a distance of 481.29 feet to a 1/2
7-19 inch iron rod, with cap;

7-20 North 15°59'25" East for a distance of 927.59 feet to the
7-21 PLACE OF BEGINNING and containing within these boundaries 180.9042
7-22 acres of land.

7-23 SECTION 3. (a) The legal notice of the intention to
7-24 introduce this Act, setting forth the general substance of this
7-25 Act, has been published as provided by law, and the notice and a
7-26 copy of this Act have been furnished to all persons, agencies,
7-27 officials, or entities to which they are required to be furnished
7-28 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7-29 Government Code.

7-30 (b) The governor, one of the required recipients, has
7-31 submitted the notice and Act to the Texas Commission on
7-32 Environmental Quality.

7-33 (c) The Texas Commission on Environmental Quality has filed
7-34 its recommendations relating to this Act with the governor, the
7-35 lieutenant governor, and the speaker of the house of
7-36 representatives within the required time.

7-37 (d) All requirements of the constitution and laws of this
7-38 state and the rules and procedures of the legislature with respect
7-39 to the notice, introduction, and passage of this Act are fulfilled
7-40 and accomplished.

7-41 SECTION 4. (a) Section 8318.106, Special District Local
7-42 Laws Code, as added by Section 1 of this Act, takes effect only if
7-43 this Act receives a two-thirds vote of all the members elected to
7-44 each house.

7-45 (b) If this Act does not receive a two-thirds vote of all the
7-46 members elected to each house, Subchapter C, Chapter 8318, Special
7-47 District Local Laws Code, as added by Section 1 of this Act, is
7-48 amended by adding Section 8318.106 to read as follows:

7-49 Sec. 8318.106. NO EMINENT DOMAIN POWER. The district may
7-50 not exercise the power of eminent domain.

7-51 (c) This section is not intended to be an expression of a
7-52 legislative interpretation of the requirements of Subsection (c),
7-53 Section 17, Article I, Texas Constitution.

7-54 SECTION 5. Except as provided by Section 4 of this Act, this
7-55 Act takes effect September 1, 2011.

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