

By: Hegar

S.B. No. 608

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris-Waller Counties Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8431 to read as follows:

CHAPTER 8431. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT

NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8431.001. 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 Harris-Waller Counties Municipal Utility District No. 3.

Sec. 8431.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8431.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 8431.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8431.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8431.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16 Sec. 8431.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8431.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8431.052, directors serve
6 staggered four-year terms.

7 Sec. 8431.052. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Lonnie Lee;

10 (2) Jennifer Coleman;

11 (3) Dana Thompson;

12 (4) John Hoag; and

13 (5) David Ward.

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

15 (1) the date permanent directors are elected under
16 Section 8431.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8431.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8431.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8431.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8431.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8431.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8431.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 8431.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8431.151. ELECTIONS REGARDING TAXES OR BONDS.

17 (a) The district may issue, without an election, bonds and other
18 obligations secured by:

19 (1) revenue other than ad valorem taxes; or

20 (2) contract payments described by Section 8431.153.

21 (b) The district must hold an election in the manner
22 provided by Chapters 49 and 54, Water Code, to obtain voter approval
23 before the district may impose an ad valorem tax or issue bonds
24 payable from ad valorem taxes.

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 8431.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8431.151, the district
4 may impose an operation and maintenance tax on taxable property in
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 8431.153. CONTRACT TAXES. (a) In accordance with
9 Section 49.108, Water Code, the district may impose a tax other than
10 an operation and maintenance tax and use the revenue derived from
11 the tax to make payments under a contract after the provisions of
12 the contract have been approved by a majority of the district voters
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8431.201. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,
21 revenue, contract payments, grants, or other district money, or any
22 combination of those sources, to pay for any authorized district
23 purpose.

24 Sec. 8431.202. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8431.203. BONDS FOR ROAD PROJECTS. At the time of
4 issuance, the total principal amount of bonds or other obligations
5 issued or incurred to finance road projects and payable from ad
6 valorem taxes may not exceed one-fourth of the assessed value of the
7 real property in the district.

8 SECTION 2. The Harris-Waller Counties Municipal Utility
9 District No. 3 initially includes all the territory contained in
10 the following area:

11 448.64 ACRES OF LAND SITUATED IN THE H. & T.C .R.R. CO.
12 SURVEY, ABSTRACT NO. 1711, HARRIS COUNTY, TEXAS, THE H. & T.C .R.R.
13 CO. SURVEY, ABSTRACT NO. 196, WALLER COUNTY, TEXAS, THE J.
14 McCUTCHEON SURVEY, ABSTRACT NO. 1343, HARRIS COUNTY, TEXAS, THE J.
15 McCUTCHEON SURVEY, ABSTRACT NO. 306, WALLER COUNTY, TEXAS AND THE
16 H. & T.C .R.R. CO. SURVEY, ABSTRACT NO. 203, WALLER COUNTY, TEXAS,
17 THE SAID 448.64 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES
18 AND BOUNDS IN TWO (2) TRACTS AS FOLLOWS (BEARINGS BASED ON TEXAS
19 STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS
20 DETERMINED BY GPS MEASUREMENTS):

21 TRACT 1

22 A 138.60 ACRE TRACT OF LAND SITUATED IN THE H. & T.C .R.R. CO.
23 SURVEY, ABSTRACT NO. 196, WALLER COUNTY, TEXAS AND THE H. & T.C.
24 R.R. CO. SURVEY, ABSTRACT NO. 1711, HARRIS COUNTY, TEXAS, THE SAID
25 138.60 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
26 BOUNDS AS FOLLOWS:

27 COMMENCING at a 1/2-inch capped iron pipe stamped "Kalkomey"

1 found marking the southeasterly corner of the said F. Eule Survey,
2 A-376 and the northeasterly corner of the H. & T.C.C. R.R. Co.
3 Survey, Abstract No. 203 being in the westerly line of the H. &
4 T.C.C. R.R. Co. Survey, Abstract No. 196 , being in the current
5 extraterritorial jurisdiction line (ETJ) agreed to for the City of
6 Houston and the City Limits of the City of Katy, having Texas State
7 Plane, South Central Zone 1983, coordinates of X = 2,970,598.13 and
8 Y = 13,852,721.55 and being in the intersection of Franz Road (as
9 occupied at present) and Bartlett Road (as occupied at present);

10 THENCE, North 02°03'11" West, along easterly line of the said
11 F. Eule Survey and the westerly line of the said H. & T. C.C. R.R.
12 Co. Survey, Abstract No. 196, same being the current
13 extraterritorial jurisdiction line (ETJ) agreed to for the City of
14 Houston and the City Limits of the City of Katy, a distance of
15 2,492.31 feet to a 1/2-inch capped iron pipe stamped "Kalkomey"
16 found at a northwesterly corner for the City Limits of the City of
17 Katy, marking the southwesterly corner and POINT OF BEGINNING of
18 the herein described tract of land and having Texas State Plane,
19 South Central Zone 1983, coordinates of X = 2,970,508.84 and Y =
20 13,855,212.14;

21 (1) THENCE, North 02°03'11" West, along easterly line
22 of the said F. Eule Survey and the westerly line of the said H. & T.
23 C.C. R.R. Co. Survey, Abstract No. 196, same being the current
24 extraterritorial jurisdiction line (ETJ) agreed to between the
25 City of Houston and the City of Katy, a distance of 2,753.74 feet to
26 a point for corner in the southerly right-of-way line of Morton Road
27 (as occupied at present);

1 (2) THENCE, North 87°59'06" East, along the southerly
2 right-of-way line of Morton Road, being the current
3 extraterritorial jurisdiction line (ETJ) agreed to between the
4 City of Houston and the City of Katy, for a distance of 23.14 feet to
5 a point for corner in the southerly extension of the easterly
6 right-of-way line of Pitts Road (as occupied at present), being the
7 current extraterritorial jurisdiction line (ETJ) agreed to between
8 the City of Houston and the City of Katy;

9 (3) THENCE, North 02°03'11" West, along the southerly
10 extension of the easterly right-of-way line of Pitts Road, same
11 being the current extraterritorial jurisdiction line (ETJ) agreed
12 to between the City of Houston and the City of Katy, for a distance
13 of 30.00 feet to a point for corner in the southerly line of the E.
14 Jenkins Survey, Abstract No. 409 and the northerly line of the said
15 H. & T. C.C. R.R. Co. Survey, Abstract No. 196 and being in Morton
16 Road;

17 (4) THENCE, North 87°59'06" East, along the common line
18 of the said E. Jenkins Survey, Abstract No. 409 and the H. & T. C.C.
19 R.R. Co. Survey, Abstract No. 196 for a distance of 1,802.23 feet to
20 a point marking the northeasterly corner of the herein described
21 tract of land being in the meanders of the centerline of the Cane
22 Island Branch of Buffalo Bayou, being the current City Limits of the
23 City of Katy;

24 THENCE, along the meanders of the centerline of the Cane
25 Island Branch of Buffalo Bayou, the following twelve (12) courses
26 and distances:

27 (5) South 07°05'41" East for a distance of 123.38 feet

1 to a point for corner;
2 (6) South 24°45'11" East for a distance of 17.51 feet
3 to a point for corner;
4 (7) South 09°35'52" East for a distance of 17.33 feet
5 to a point for corner;
6 (8) South 24°39'54" East for a distance of 933.91 feet
7 to a point for corner;
8 (9) South 25°13'39" East for a distance of 123.31 feet
9 to a point for corner;
10 (10) South 23°49'46" East for a distance of 198.91
11 feet to a point for corner;
12 (11) South 04°55'49" West for a distance of 181.40
13 feet to a point for corner;
14 (12) South 03°35'11" West for a distance of 771.53
15 feet to a point for corner;
16 (13) South 08°04'38" East for a distance of 202.50
17 feet to a point for corner;
18 (14) South 10°55'43" East for a distance of 113.16
19 feet to a point for corner;
20 (15) South 16°00'38" East for a distance of 77.12 feet
21 to a point for corner;
22 (16) South 06°45'05" East for a distance of 130.65
23 feet to a point for corner in the current City Limits of the City of
24 Katy;
25 (17) THENCE, South 87°56'49" West, along the current
26 City Limits of the City of Katy for a distance of 2,296.78 feet to
27 the POINT OF BEGINNING and containing 138.60 acres of land.

1 TRACT 2

2 A 310.04 ACRE TRACT OF LAND SITUATED IN THE J. McCUTCHEON
3 SURVEY, ABSTRACT NO. 1343, HARRIS COUNTY, TEXAS, THE J. McCUTCHEON
4 SURVEY, ABSTRACT NO. 306, WALLER COUNTY, TEXAS AND THE H. & T.C.
5 R.R. CO. SURVEY, ABSTRACT NO. 203, WALLER COUNTY, TEXAS, THE SAID
6 310.04 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
7 BOUNDS AS FOLLOWS:

8 COMMENCING at a 1/2-inch capped iron pipe stamped "Kalkomey"
9 found marking the southeasterly corner of the said F. Eule Survey,
10 A-376 and the northeasterly corner of the H. & T.C.C. R.R. Co.
11 Survey, Abstract No. 203 being in the westerly line of the H. &
12 T.C.C. R.R. Co. Survey, Abstract No. 196 , being in the current
13 extraterritorial jurisdiction line (ETJ) agreed to for the City of
14 Houston and the City Limits of the City of Katy, having Texas State
15 Plane, South Central Zone 1983, coordinates of X = 2,970,598.13 and
16 Y = 13,852,721.55 and being in the intersection of Franz Road (as
17 occupied at present) and Bartlett Road (as occupied at present);

18 THENCE, South 02°03'11" East, along the easterly line of the
19 H. & T.C.C. R.R. Co. Survey, Abstract No. 203 and the westerly line
20 of the said H. & T. C.C. R.R. Co. Survey, Abstract No. 196, same
21 being the current extraterritorial jurisdiction line (ETJ) agreed
22 to for the City of Houston and the City Limits of the City of Katy, a
23 distance of 33.00 feet to the intersection with the easterly
24 extension of the southerly right-of-way line of Franz Road, marking
25 a point for corner in the current extraterritorial jurisdiction
26 line (ETJ) agreed to between the City of Houston and the City of
27 Katy and the most northerly northeast corner and POINT OF BEGINNING

1 of the herein described tract of land, having Texas State Plane,
2 South Central Zone 1983, coordinates of X = 2,970,599.31 and Y =
3 13,852,688.57;

4 (1) THENCE, South 02°03'11" East, continuing along the
5 easterly line of the H. & T.C.C. R.R. Co. Survey, Abstract No. 203
6 and the westerly line of the said H. & T. C.C. R.R. Co. Survey,
7 Abstract No. 196, same being the current City Limits of the City of
8 Katy, a distance of 1,111.85 feet to a 1/2-inch iron pipe found for
9 corner;

10 (2) THENCE, North 87°48'32" East, a distance of 921.80
11 feet to a 1/2-inch iron pipe found for corner;

12 (3) THENCE, North 02°03'11" West, a distance of 510.32
13 feet to a railroad spike found for corner in the southerly line of
14 the said H. & T. C.C. R.R. Co. Survey, Abstract No. 196 and the
15 northerly line of the said J. McCutcheon Survey and being in Morton
16 Road;

17 (4) THENCE, North 87°48'32" East, along the common of
18 the said H. & T. C.C. R.R. Co. Survey, Abstract No. 196 and the said
19 J. McCutcheon Survey, a distance of 1,823.00 feet to a railroad
20 spike found for corner ;

21 (5) THENCE, South 02°00'23" East, a distance of 378.50
22 feet to a point for corner;

23 (6) THENCE, North 87°48'32" East, a distance of 500.00
24 feet to a point for corner;

25 (7) THENCE, North 02°00'23" West, a distance of 378.50
26 feet to a cotton spindle found for corner in the southerly line of
27 the said H. & T. C.C. R.R. Co. Survey, Abstract No. 196 and the

1 northerly line of the said J. McCutcheon Survey and being in Morton
2 Road;

3 (8) THENCE, North 87°48'32" East, along the common of
4 the said H. & T. C.C. R.R. Co. Survey, Abstract No. 196 and the said
5 J. McCutcheon Survey, a distance of 80.00 feet to an "X" in concrete
6 found marking the most easterly northeast corner of the herein
7 described tract of land;

8 (9) THENCE, South 02°00'23" East, a distance of
9 1,083.67 feet to a 1/2-inch capped iron pipe stamped "Kalkomey"
10 found for corner;

11 (10) THENCE, South 87°59'37" West, a distance of 43.25
12 feet to a point for corner being in the meanders of the centerline
13 of the Cane Island Branch of Buffalo Bayou;

14 THENCE, along the meanders of the centerline of the Cane
15 Island Branch of Buffalo Bayou, the following eight (8) courses and
16 distances:

17 (11) South 30°22'18" West for a distance of 176.74
18 feet to a point for corner;

19 (12) South 34°52'08" West for a distance of 282.70
20 feet to a point for corner;

21 (13) South 20°24'01" West for a distance of 64.45 feet
22 to a point for corner;

23 (14) South 09°14'21" East for a distance of 108.98
24 feet to a point for corner;

25 (15) South 04°02'15" East for a distance of 154.42
26 feet to a point for corner;

27 (16) South 11°42'40" East for a distance of 168.80

1 feet to a point for corner;

2 (17) South 15°19'15" West for a distance of 68.22 feet
3 to a point for corner;

4 (18) South 48°56'03" West for a distance of 73.95 feet
5 to a point for corner in the southerly line of the said J.
6 McCutcheon Survey and the northerly line of the J. Crawford Survey,
7 A-113, marking the most easterly southeast corner of the herein
8 described tract of land and being in Tenth Street;

9 (19) THENCE, South 87°38'46" West, along the common of
10 the said J. McCutcheon Survey and the J. Crawford Survey, a
11 distance of 401.99 feet to point for corner;

12 (20) THENCE, North 02°03'52" West, a distance of 382.44
13 feet to a point for corner;

14 (21) THENCE, South 88°07'10" West, a distance of 356.87
15 feet to a point for corner;

16 (22) THENCE, North 02°03'52" West, a distance of 464.61
17 feet to a 1/2-inch iron pipe found for corner;

18 (23) THENCE, South 88°04'50" West, a distance of 456.77
19 feet to a 1/2-inch iron pipe found for corner;

20 (24) THENCE, South 02°51'33" East, a distance of
21 1,010.83 feet to a Mag nail with shiner found for corner in the
22 southerly line of the said J. McCutcheon Survey Survey, Abstract
23 No. 306 and the northerly line of the J. C. Paul Survey, A-386 and
24 being in Bartlett Road;

25 (25) THENCE, South 88°04'38" West, along the common of
26 the said J. McCutcheon Survey and the J. C. Paul Survey, a distance
27 of 1,759.35 feet to 1/2-inch capped iron pipe stamped "Kalkomey"

1 found for corner at the westerly common corner of said surveys,
2 being in the easterly line of the aforementioned H. & T.C.C. R.R.
3 Co. Survey, Abstract No. 203;

4 (26) THENCE, South $03^{\circ}31'15''$ West, a distance of 40.17
5 feet to a 1/2-inch capped iron pipe stamped "Kalkomey" found for
6 corner in the arc of a non-tangent curve;

7 (27) THENCE, along the arc of a curve to the right
8 having a radius of 1,040.00 feet, a central angle of $38^{\circ}24'17''$, an
9 arc length of 697.10 feet and a chord bearing N $72^{\circ}30'37''$ W, a
10 distance of 684.12 feet to a 1/2-inch capped iron pipe stamped
11 "Kalkomey" found for corner in the current City Limits of the City
12 of Katy;

13 (28) THENCE, South $88^{\circ}03'25''$ West, along the current
14 City Limits of the City of Katy, a distance of 1,537.40 feet to a
15 1/2-inch capped iron pipe stamped "Kalkomey" found for corner in
16 the arc of a non-tangent curve;

17 (29) THENCE, along the arc of a curve to the left
18 having a radius of 1,060.00 feet, a central angle of $37^{\circ}07'19''$, an
19 arc length of 686.77 feet and a chord bearing S $16^{\circ}36'52''$ W, a
20 distance of 674.82 feet to a 1/2-inch capped iron pipe stamped
21 "Kalkomey" found for tangency;

22 (30) THENCE, South $01^{\circ}56'48''$ East, a distance of 316.86
23 feet to a 1/2-inch capped iron pipe stamped "Kalkomey" found for a
24 point of curvature;

25 (31) THENCE, along the arc of a curve to the left
26 having a radius of 1,060.00 feet, a central angle of $21^{\circ}41'29''$, an
27 arc length of 401.30 feet and a chord bearing S $12^{\circ}47'32''$ E, a

1 distance of 398.91 feet to a 1/2-inch capped iron pipe stamped
2 "Kalkomey" found for tangency;

3 (32) THENCE, South 23°38'17" East, a distance of
4 1,025.45 feet to a 1/2-inch capped iron pipe stamped "Kalkomey"
5 found for a point of curvature;

6 (33) THENCE, along the arc of a curve to the right
7 having a radius of 1,340.00 feet, a central angle of 21°55'53", an
8 arc length of 512.92 feet and a chord bearing S 12°40'20" E, a
9 distance of 509.79 feet to a 1/2-inch capped iron pipe stamped
10 "Kalkomey" found for tangency;

11 (34) THENCE, South 01°42'24" East, a distance of 210.70
12 feet to a 1/2-inch capped iron pipe stamped "Kalkomey" found for
13 corner in the northerly right-of-way line McAllister Road (based on
14 a width of 60 feet) and marking the most southerly southeast corner
15 of the herein described tract of land;

16 (35) THENCE, South 88°44'03" West, along the northerly
17 right-of-way line McAllister Road for a distance of 788.13 feet to a
18 5/8-inch iron rod found marking the southwest corner of the herein
19 described tract of land;

20 (36) THENCE, North 01°56'48" West, a distance of
21 3,003.45 feet to a 1/2-inch capped iron pipe stamped "Kalkomey"
22 found for corner in the current City Limits of the City of Katy;

23 (37) THENCE, North 01°51'45" West, a distance of
24 1,332.39 feet to a 1/2-inch capped iron pipe stamped "Kalkomey"
25 found marking the most westerly northwest corner of the herein
26 described tract of land;

27 (38) THENCE, North 87°56'49" East, a distance of 462.00

1 feet to a 1/2-inch capped iron pipe stamped "Kalkomey" found for
2 corner;

3 (39) THENCE, North 01°51'45" West, a distance of
4 1,287.00 feet to a point marking the most northerly northwest
5 corner of the herein described tract of land in the southerly
6 right-of-way line of Franz Road, being the current
7 extraterritorial jurisdiction line (ETJ) agreed to between the
8 City of Houston and the City of Katy;

9 (40) THENCE, North 87°56'49" East, along the southerly
10 right-of-way line of Franz Road, being the current extraterritorial
11 jurisdiction line (ETJ) agreed to between the City of Houston and
12 the City of Katy, for a distance of 2,170.11 feet to the POINT OF
13 BEGINNING and containing 310.04 acres of land and when all of the
14 above described tracts of land are compiled, they have a combined
15 total area of 448.64 acres of land. This description has been
16 prepared in conjunction with a map of equal date.

17 SECTION 3. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 4. (a) If this Act does not receive a two-thirds
9 vote of all the members elected to each house, Subchapter C, Chapter
10 8431, Special District Local Laws Code, as added by Section 1 of
11 this Act, is amended by adding Section 8431.106 to read as follows:

12 Sec. 8431.106. NO EMINENT DOMAIN POWER. The district may
13 not exercise the power of eminent domain.

14 (b) This section is not intended to be an expression of a
15 legislative interpretation of the requirements of Subsection (c),
16 Section 17, Article I, Texas Constitution.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2013.