

By: Hegar

S.B. No. 1910

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fulshear Municipal Utility District No. 3; providing authority to impose taxes 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 8487 to read as follows:

CHAPTER 8487. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8487.001. 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 Fulshear Municipal Utility District No. 3.

Sec. 8487.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8487.003. 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.

Sec. 8487.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8487.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located has
4 consented by ordinance or resolution to the creation of the
5 district and to the inclusion of land in the district.

6 Sec. 8487.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

7 The district is created to serve a public purpose and benefit.

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

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

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

15 Sec. 8487.006. INITIAL DISTRICT TERRITORY. (a) The

16 district is initially composed of the territory described by
17 Section 2 of the Act enacting this chapter.

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

22 (1) organization, existence, or validity;

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

26 (3) right to impose a tax; or

27 (4) legality or operation.

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8487.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8487.052, directors serve
5 staggered four-year terms.

6 Sec. 8487.052. TEMPORARY DIRECTORS. (a) On or after
7 September 1, 2013, the owner or owners of a majority of the assessed
8 value of the real property in the district may submit a petition to
9 the commission requesting that the commission appoint as temporary
10 directors the five persons named in the petition. The commission
11 shall appoint as temporary directors the five persons named in the
12 petition.

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

14 (1) the date permanent directors are elected under
15 Section 8487.003; or

16 (2) September 1, 2017.

17 (c) If permanent directors have not been elected under
18 Section 8487.003 and the terms of the temporary directors have
19 expired, successor temporary directors shall be appointed or
20 reappointed as provided by Subsection (d) to serve terms that
21 expire on the earlier of:

22 (1) the date permanent directors are elected under
23 Section 8487.003; or

24 (2) the fourth anniversary of the date of the
25 appointment or reappointment.

26 (d) If Subsection (c) applies, the owner or owners of a
27 majority of the assessed value of the real property in the district

1 may submit a petition to the commission requesting that the
2 commission appoint as successor temporary directors the five
3 persons named in the petition. The commission shall appoint as
4 successor temporary directors the five persons named in the
5 petition.

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 8487.101. GENERAL POWERS AND DUTIES. The district has
8 the powers and duties necessary to accomplish the purposes for
9 which the district is created.

10 Sec. 8487.102. MUNICIPAL UTILITY DISTRICT POWERS AND
11 DUTIES. The district has the powers and duties provided by the
12 general law of this state, including Chapters 49 and 54, Water Code,
13 applicable to municipal utility districts created under Section 59,
14 Article XVI, Texas Constitution.

15 Sec. 8487.103. AUTHORITY FOR ROAD PROJECTS. Under Section
16 52, Article III, Texas Constitution, the district may design,
17 acquire, construct, finance, issue bonds for, improve, operate,
18 maintain, and convey to this state, a county, or a municipality for
19 operation and maintenance macadamized, graveled, or paved roads, or
20 improvements, including storm drainage, in aid of those roads.

21 Sec. 8487.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
22 project must meet all applicable construction standards, zoning and
23 subdivision requirements, and regulations of each municipality in
24 whose corporate limits or extraterritorial jurisdiction the road
25 project is located.

26 (b) If a road project is not located in the corporate limits
27 or extraterritorial jurisdiction of a municipality, the road

1 project must meet all applicable construction standards,
2 subdivision requirements, and regulations of each county in which
3 the road project is located.

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

7 Sec. 8487.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
8 OR RESOLUTION. The district shall comply with all applicable
9 requirements of any ordinance or resolution that is adopted under
10 Section 54.016 or 54.0165, Water Code, and that consents to the
11 creation of the district or to the inclusion of land in the
12 district.

13 Sec. 8487.106. DIVISION OF DISTRICT. (a) The district may
14 be divided into two or more new districts only if:

15 (1) the district has no outstanding bonded debt; and

16 (2) the district is not imposing ad valorem taxes.

17 (b) This chapter applies to any new district created by the
18 division of the district, and a new district has all the powers and
19 duties of the district.

20 (c) Any new district created by the division of the district
21 may not, at the time the new district is created, contain any land
22 outside the area described by Section 2 of the Act creating this
23 chapter.

24 (d) The board, on its own motion or on receipt of a petition
25 signed by the owner or owners of a majority of the assessed value of
26 the real property in the district, may adopt an order dividing the
27 district.

1 (e) The board may adopt an order dividing the district
2 before or after the date the board holds an election under Section
3 8487.151 to authorize the district's bonds.

4 (f) An order dividing the district shall:

5 (1) name each new district;

6 (2) include the metes and bounds description of the
7 territory of each new district;

8 (3) appoint temporary directors for each new district;

9 and

10 (4) provide for the division of assets and liabilities
11 between or among the new districts.

12 (g) On or before the 30th day after the date of adoption of
13 an order dividing the district, the district shall file the order
14 with the commission and record the order in the real property
15 records of each county in which the district is located.

16 (h) Any new district created by the division of the district
17 shall hold a confirmation and directors' election as required by
18 Section 8487.003.

19 (i) Any new district created by the division of the district
20 must hold an election as required by this chapter to obtain voter
21 approval before the district may impose a maintenance tax or issue
22 bonds payable wholly or partly from ad valorem taxes.

23 (j) If the creation of the new district is confirmed, the
24 new district shall provide the election date and results to the
25 commission.

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8487.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The

1 district may issue, without an election, bonds and other
2 obligations secured by:

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

4 (2) contract payments described by Section 8487.153.

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

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

13 Sec. 8487.152. OPERATION AND MAINTENANCE TAX. (a) If
14 authorized at an election held under Section 8487.151, the district
15 may impose an operation and maintenance tax on taxable property in
16 the district in accordance with Section 49.107, Water Code.

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

19 Sec. 8487.153. CONTRACT TAXES. (a) In accordance with
20 Section 49.108, Water Code, the district may impose a tax other than
21 an operation and maintenance tax and use the revenue derived from
22 the tax to make payments under a contract after the provisions of
23 the contract have been approved by a majority of the district voters
24 voting at an election held for that purpose.

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

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 8487.201. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. The district may issue bonds or other obligations
4 payable wholly or partly from ad valorem taxes, impact fees,
5 revenue, contract payments, grants, or other district money, or any
6 combination of those sources, to pay for any authorized district
7 purpose.

8 Sec. 8487.202. TAXES FOR BONDS. At the time the district
9 issues bonds payable wholly or partly from ad valorem taxes, the
10 board shall provide for the annual imposition of a continuing
11 direct ad valorem tax, without limit as to rate or amount, while all
12 or part of the bonds are outstanding as required and in the manner
13 provided by Sections 54.601 and 54.602, Water Code.

14 Sec. 8487.203. BONDS FOR ROAD PROJECTS. At the time of
15 issuance, the total principal amount of bonds or other obligations
16 issued or incurred to finance road projects and payable from ad
17 valorem taxes may not exceed one-fourth of the assessed value of the
18 real property in the district.

19 SECTION 2. The Fulshear Municipal Utility District No. 3
20 initially includes all the territory contained in the following
21 area:

22 FIELD NOTES FOR A 1,354.459 ACRE TRACT OF LAND IN THE H. & T. C.
23 RAILROAD COMPANY SURVEY SECTION 75, ABSTRACT 155, AND THE H. & T. C.
24 RAILROAD COMPANY SURVEY SECTION 105, ABSTRACT 416, WALLER COUNTY
25 TEXAS, AND THE H. & T. C. RAILROAD COMPANY SURVEY SECTION 75,
26 ABSTRACT 732, THE H. & T. C. RAILROAD COMPANY SURVEY SECTION 105,
27 ABSTRACT 261, THE J. G. BENNETT SURVEY, ABSTRACT 611, AND THE J. D.

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1 VERMILLION SURVEY, ABSTRACT 339, FORT BEND COUNTY, TEXAS, SAID
2 1,354.459 ACRE TRACT BEING OUT OF THE ESTATE OF BESSIE MAE JORDAN AS
3 RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2000015121, OFFICIAL
4 PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, AND IN VOLUME 0648, PAGE
5 384, OFFICIAL RECORDS, WALLER COUNTY, TEXAS, SAID 1,354.459 ACRE
6 TRACT ALSO BEING COMPRISED OF THAT CERTAIN CALLED 200 ACRE TRACT
7 DESCRIBED IN DEED RECORDED IN VOLUME 252, PAGE 465, DEED RECORDS,
8 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 110 ACRE TRACT
9 DESCRIBED IN DEED RECORDED IN VOLUME 252, PAGE 465, DEED RECORDS,
10 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 137-1/2 ACRE TRACT
11 DESCRIBED IN DEED RECORDED IN VOLUME 208, PAGE 635, DEED RECORDS,
12 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 160 ACRE TRACT
13 DESCRIBED IN DEED RECORDED IN VOLUME 208, PAGE 633, DEED RECORDS,
14 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 200 ACRE TRACT
15 DESCRIBED IN DEED RECORDED IN VOLUME 251, PAGE 551, DEED RECORDS,
16 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 75.856 ACRE TRACT
17 DESCRIBED IN DEED RECORDED IN VOLUME 416, PAGE 572, DEED RECORDS,
18 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 10 ACRE TRACT
19 DESCRIBED IN DEED RECORDED IN VOLUME 281, PAGE 207, DEED RECORDS,
20 FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 2.0 ACRE TRACT
21 DESCRIBED IN DEED RECORDED IN VOLUME 523, PAGE 545, DEED RECORDS,
22 FORT BEND COUNTY, TEXAS, THE RESIDUE OF THAT CERTAIN CALLED 40 ACRE
23 TRACT DESCRIBED IN DEED RECORDED IN VOLUME 70, PAGE 68, DEED
24 RECORDS, FORT BEND COUNTY, TEXAS, AND THE RESIDUE OF THE H. & T. C.
25 RAILROAD COMPANY SURVEY SECTION 75, ABSTRACT 155, WALLER COUNTY
26 TEXAS, AND ABSTRACT 732, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS
27 BEING GRID AND COORDINATES BEING TEXAS STATE PLANE, SOUTH CENTRAL

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1 ZONE, NAD83, BASED UPON GPS OBSERVATIONS OF N.G.S. TRIANGULATION
2 STATION "BROOKSHIRE", SCALE FACTOR USED = 0.99988896.
3 COMMENCING at a 1/2 inch iron pipe with cap marked "Kalkomey
4 Surveying" found on the common line of the H. & T. C. Railroad
5 Company Survey Section 75, Abstract 155, Waller County, Texas, and
6 Abstract 732, Fort Bend County, Texas, and the adjoining H. & T. C.
7 Railroad Company Survey Section 76, Abstract 322, Waller County,
8 Texas, and Abstract 764, Fort Bend County, Texas, at its
9 intersection with the east right-of-way line of Woods Road (80-foot
10 wide), said point being the southwest corner of an adjoining called
11 280.3406 acre tract described in deed recorded in Volume 0817, Page
12 027, Official Records, Waller County, Texas, and being in the north
13 line of Jordan Road (70-foot wide private road), said point having
14 coordinates of X = 2,945,451.66, Y = 13,835,816.55;
15 THENCE North 88 degrees 02 minutes 42 seconds East (adjoiner called
16 North 88 degrees 02 minutes 42 seconds East) along the common line
17 of the H. & T. C. Railroad Company Survey Section 75, and said
18 adjoining H. & T. C. Railroad Company Survey Section 76, at 270.00
19 feet pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying"
20 set on said line for the northwest corner of an adjoining 15.396
21 acre tract surveyed by the undersigned this date, and continuing
22 for a total distance of 1,000.45 feet to a 1/2 inch iron pipe with
23 cap marked "Kalkomey Surveying" set on said line for a northwest
24 corner and Place of Beginning of the herein described 1,354.459
25 acre tract, same being the northeast corner of said adjoining
26 15.396 acre tract;
27 THENCE North 88 degrees 02 minutes 42 seconds East (adjoiner called

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1 North 88 degrees 02 minutes 42 seconds East) continuing along said
2 common line, being the north line of the residue of said called 40
3 acre tract and the north line of said residue of the H. & T. C.
4 Railroad Company Survey Section 75, same being the south line of
5 said adjoining called 280.3406 acre tract, 5,016.89 feet to a 3/4
6 inch iron pipe found for reentry corner to the herein described
7 tract, said point being the northeast corner of said residue of the
8 H. & T. C. Railroad Company Survey Section 75, same being the
9 southeast corner of the H. & T. C. Railroad Company Survey Section
10 76, and the southeast corner of said adjoining called 280.3406 acre
11 tract, and being in the west line of the H. & T. C. Railroad Company
12 Survey Section 105, Abstract 416, Waller County, Texas, and
13 Abstract 261, Fort Bend County, Texas, same being the west line of
14 said called 200 acre tract recorded in Volume 252, Page 465, Deed
15 Records, Fort Bend County, Texas;

16 THENCE North 01 degree 54 minutes 20 seconds West (adjoiner called
17 North 01 degree 54 minutes 20 seconds West) along the common line of
18 the H. & T. C. Railroad Company Survey Section 105, and the H. & T.
19 C. Railroad Company Survey Section 76, same being the common line of
20 the herein described tract and said adjoining called 280.3406 acre
21 tract, 1,520.90 feet to a 1/2 inch iron pipe with cap marked
22 "Kalkomey Surveying" set for the upper northwest corner of the
23 herein described tract, the northwest corner of said called 200
24 acre tract, and the northwest corner of the H. & T. C. Railroad
25 Company Survey Section 105, same being the southwest corner of the
26 adjoining J. G. Bennett Survey, Abstract 292, Waller County, Texas,
27 and Abstract 568, Fort Bend County, Texas, and the southwest corner

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1 of an adjoining called 261.701 acre tract described in deed
2 recorded in Volume 0808, Page 067, Official Records, Waller County,
3 Texas;

4 THENCE North 87 degrees 37 minutes 00 seconds East (called East,
5 adjoiner called North 87 degrees 37 minutes 00 seconds East) along
6 the common line of the H. & T. C. Railroad Company Survey Section
7 105, and the J. G. Bennett Survey, same being the common line of the
8 herein described tract and said adjoining called 261.701 acre
9 tract, 2,705.78 feet (called 950 varas, 2,638.89 feet, adjoiner
10 called 2,705.78 feet) to a 1/2 inch iron pipe with cap marked
11 "Kalkomey Surveying" found on said line for angle point, said point
12 being the northeast corner of the H. & T. C. Railroad Company Survey
13 Section 105, same being the northwest corner of the J. G. Bennett
14 Survey, Abstract 611, Fort Bend County, Texas, said point also
15 being the northeast corner of said called 200 acre tract recorded in
16 Volume 252, Page 465, Deed Records, Fort Bend County, Texas, same
17 being the northwest corner of said called 160 acre tract recorded in
18 Volume 200 date, Page 635, Deed Records, Fort Bend County, Texas;

19 THENCE North 87 degrees 31 minutes 40 seconds East (called North 89
20 degrees 40 minutes East, adjoiner called North 87 degrees 31
21 minutes 44 seconds East) along the common line of the J. G. Bennett
22 Survey, Abstract 611, and the J. G. Bennett Survey, Abstract 568,
23 same being the common line of the herein described tract and said
24 adjoining called 261.701 acre tract, 2,597.32 feet (called 2,640
25 feet, adjoiner called 2,597.32 feet) to a 12-inch square concrete
26 post found on said line for angle point, being the northeast corner
27 of said called 160 acre tract (Volume 208, Page 635, Deed Records,

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1 Fort Bend County, Texas), the southeast corner of said adjoining
2 called 261.701 acre tract, the southwest corner of an adjoining
3 called 316 acre tract described in deed recorded in Volume 0553,
4 Page 088, Official Records, Waller County, Texas, and the northwest
5 corner of said called 75.856 acre tract recorded in Volume 416, Page
6 572, Deed Records, Fort Bend County, Texas, said point also being
7 the northeast corner of the J. G. Bennett Survey, Abstract 611, the
8 southeast corner of the J. G. Bennett Survey, Abstract 568, the
9 southwest corner of the Jesse Thompson Survey, Abstract 292 and the
10 northwest corner of the J. D. Vermillion Survey, Abstract 339;
11 THENCE North 87 degrees 49 minutes 24 seconds East (adjoiner called
12 East) along the common line of the J. D. Vermillion Survey, Abstract
13 339, and the Jesse Thompson Survey, Abstract 292, same being the
14 common line of the herein described tract and said adjoining called
15 316 acre tract, 1,888.76 feet (called 1,910.87 feet) to a 5/8 inch
16 iron rod with cap marked "Cotton Surveying" inside a 1-inch iron
17 pipe found for the upper northeast corner of the herein described
18 tract and the northeast corner of said called 75.856 acre tract,
19 same being the northwest corner of an adjoining called 430.083 acre
20 tract described in deed recorded in Volume 2185, Page 899, Official
21 Records, Fort Bend County, Texas;
22 THENCE South 02 degrees 10 minutes 37 seconds East (called South,
23 adjoiner called South 00 degrees 08 minutes 16 seconds East) along
24 the common line of the herein described tract and said adjoining
25 called 430.083 acre tract, 2,024.61 feet (called 2,002.77 feet,
26 adjoiner called 2,024.13 feet) to a 1-inch iron pipe found for
27 reentry corner to the herein described tract, same being the upper

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1 southwest corner of said adjoining called 430.083 acre tract, said
2 point also being the southeast corner of said called 75.856 acre
3 tract, and being in the north line of said called 200 acre tract
4 recorded in Volume 251, Page 551, Deed Records, Fort Bend County,
5 Texas;

6 THENCE North 87 degrees 53 minutes 34 seconds East (called East,
7 adjoiner called North 89 degrees 55 minutes 56 seconds East)
8 continuing along said common line, being the north line of said
9 called 200 acre tract, 894.07 feet (adjoiner called 894.11 feet) to
10 a 3/4 inch iron pipe found for the lower northeast corner of the
11 herein described tract and the northeast corner of said called 200
12 acre tract, same being a reentry corner to said adjoining called
13 430.083 acre tract;

14 THENCE South 01 degree 56 minutes 47 seconds East (called South,
15 adjoiner called South 00 degrees 02 minutes 54 seconds West)
16 continuing along said common line, 3,119.21 feet (called 3,122.2
17 feet, adjoiner called 3,120.16 feet) to a 1-inch iron pipe found for
18 the most easterly southeast corner of the herein described tract
19 and the southeast corner of said called 200 acre tract, same being
20 the lower southwest corner of said adjoining called 430.083 acre
21 tract, and being in the north line of an adjoining called 685.9742
22 acre tract described in deed recorded under County Clerk's File
23 Number 2004061394, Official Public Records, Fort Bend County,
24 Texas;

25 THENCE South 87 degrees 51 minutes 51 seconds West (called West,
26 adjoiner called South 89 degrees 51 minutes 39 seconds West) along
27 the common line of the herein described tract and said adjoining

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1 called 685.9742 acre tract, 2,792.12 feet (called 2,794.44 feet,
2 adjoiner called 2,793.03 feet) to a 1-1/4 inch iron pipe found for
3 the most easterly southwest corner of the herein described tract
4 and the southwest corner of said called 200 acre tract, same being
5 the northwest corner of said adjoining called 685.9742 acre tract,
6 and being in the east line of an adjoining called 473.246 acre tract
7 described in deed recorded in Volume 528, Page 132, Deed Records,
8 Fort Bend County, Texas, said point also being in the west line of
9 the J. D. Vermillion Survey, Abstract 339, same being the east line
10 of the J. G. Bennett Survey, Abstract 611;

11 THENCE North 01 degree 56 minutes 18 seconds West (called North,
12 adjoiner called North 00 degrees 31 minutes 25 seconds West) along
13 common line of the J. D. Vermillion Survey, Abstract 339, and the J.
14 G. Bennett Survey, Abstract 611, same being the common line of the
15 herein described tract and said adjoining called 473.246 acre
16 tract, 2,445.26 feet (adjoiner called 2,445.70 feet) to a 1/2 inch
17 iron pipe with cap marked "Kalkomey Surveying" set at a 1-1/4 inch
18 iron pipe found disturbed for a reentry corner to the herein
19 described tract, same being the northeast corner of said adjoining
20 called 473.2466 tract, said point also being the southeast corner
21 of said called 160 acre tract, and being in the west line of said
22 called 200 acre tract (Volume 251, Page 551, Deed Records, Fort Bend
23 County, Texas);

24 THENCE South 87 degrees 14 minutes 39 seconds West (called South 89
25 degrees 40 minutes West, adjoiner called South 88 degrees 40
26 minutes 50 seconds West) along the common line of the herein
27 described tract and said adjoining called 473.246 acre tract,

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1 2,533.40 feet (called 2,640 feet, adjoiner called 2,533.40 feet) to
2 a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for
3 reentry corner to the herein described tract, same being the
4 northwest corner of said adjoining called 473.246 acre tract, said
5 point being the southwest corner of said called 160 acre tract, and
6 being in the east line of said called 200 acre tract recorded in
7 Volume 252, Page 465, Deed Records, Fort Bend County, Texas, said
8 point also being in the west line of the J. G. Bennett Survey,
9 Abstract 611, and the H. & T. C. Railroad Company Survey Section
10 105;

11 THENCE South 01 degree 54 minutes 43 seconds East (called South,
12 adjoiner called South 00 degrees 57 minutes 52 seconds East) along
13 the common line of the herein described tract and said adjoining
14 called 473.246 acre tract, same being the common line of the J. G.
15 Bennett Survey, Abstract 611, and the H. & T. C. Railroad Company
16 Survey Section 105, Abstract 261, same being the east line of said
17 called 200 acre tract (Volume 252, Page 465, Deed Records, Fort Bend
18 County, Texas), and the east line of said called 110 acre tract,
19 2,397.64 feet (adjoiner called 2,398.52 feet) to a 1-1/4 inch iron
20 pipe found on said line for angle point, said point being the
21 southeast corner of said called 110 acre tract, same being the
22 northeast corner of said called 137-1/2 acre tract;

23 THENCE South 01 degree 12 minutes 21 seconds East (called South,
24 adjoiner called South 00 degrees 18 minutes 20 seconds West)
25 continuing along the common line of the herein described tract and
26 said adjoining called 473.246 acre tract, same being the common
27 line of the J. G. Bennett Survey, Abstract 611, and the H. & T. C.

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1 Railroad Company Survey Section 105, and along the east line of said
2 called 137-1/2 acre tract, 2,565.81 feet (called 817 varas,
3 2,269.44 feet, adjoiner called 2,766.96 feet) to a 3/4 inch iron
4 pipe found for the occupied lower southeast corner of the herein
5 described tract and the occupied southeast corner of said called
6 137-1/2 acre tract, same being the occupied northeast corner of an
7 adjoining called 192.50 acre tract described in deed recorded in
8 Volume 661, Page 696, Deed Records, Fort Bend County, Texas, said
9 point having coordinates of X = 2,954,406.59, Y = 13,829,987.63;
10 THENCE North 86 degrees 18 minutes 38 seconds West (called West)
11 along the occupied common line of the herein described tract and
12 said adjoining called 192.50 acre tract, same being the occupied
13 south line of said called 137-1/2 acre tract, 2,736.49 feet (called
14 950 varas, 2,638.89 feet) to a 1/2 inch iron pipe with cap marked
15 "Kalkomey Surveying" set for the occupied lower southwest corner of
16 the herein described tract and the occupied southwest corner of
17 said called 137-1/2 acre tract, same being the occupied northwest
18 corner of said adjoining called 192.50 acre tract, said point also
19 being in the east line of an adjoining called 1,316.47 acre tract
20 described in deed recorded in Volume 671, Page 310, Deed Records,
21 Fort Bend County, Texas, same being the common line of the H. & T. C.
22 Railroad Company Survey Section 105, Abstract 261, and the Micajah
23 Autrey Survey, Abstract 100, Fort Bend County, Texas;
24 THENCE North 01 degree 59 minutes 02 seconds West (called North)
25 along the lower west line of the herein described tract, being the
26 west line of the H. & T. C. Railroad Company Survey Section 105, the
27 west line of said called 137-1/2 acre tract, and the west line of

1 said called 110 acre tract, same being the east line of said
2 adjoining called 1,316.47 acre tract, the east line of the Micajah
3 Autrey Survey, Abstract 100, and the east line of the H. & T. C.
4 Railroad Company Survey Section 75, Abstract 732, Fort Bend County,
5 Texas, 2,434.00 feet to a 2-inch iron pipe found for reentry corner
6 to the herein described tract, same being the northeast corner of
7 said adjoining called 1,316.47 acre tract, and the southeast corner
8 of the aforementioned residue of the H. & T. C. Railroad Company
9 Survey Section 75, said point being in the west line of said called
10 110 acre tract, same being the common line of the H. & T. C. Railroad
11 Company Survey Section 105, Abstract 261, and the H. & T. C.
12 Railroad Company Survey Section 75, Abstract 732, Fort Bend County,
13 Texas;

14 THENCE South 87 degrees 38 minutes 20 seconds West (adjoiner called
15 South 89 degrees 12 minutes 37 seconds West) along the common line
16 of the herein described tract and said adjoining called 1,316.47
17 acre tract, 4,988.30 feet to a 1/2 inch iron pipe with cap marked
18 "Kalkomey Surveying" set on said line for corner, said point being
19 the southeast corner of an adjoining 10.00 acre tract surveyed by
20 the undersigned this date;

21 THENCE North 02 degrees 36 minutes 12 seconds West along the common
22 line of the herein described tract and said adjoining 10.00 acre
23 tract, 435.60 feet to a 1/2 inch iron pipe with cap marked "Kalkomey
24 Surveying" set for reentry corner to the herein described tract,
25 same being the northeast corner of said adjoining 10.00 acre tract;

26 THENCE South 87 degrees 38 minutes 20 seconds West continuing along
27 said common line, 1,000.00 feet to a 1/2 inch iron pipe with cap

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1 marked "Kalkomey Surveying" set for the most westerly southwest
2 corner of the herein described tract, same being the northwest
3 corner of said adjoining 10.00 acre tract, and being in the east
4 right-of-way line of Woods Road;

5 THENCE North 02 degrees 36 minutes 12 seconds West along the most
6 westerly west line of the herein described tract, same being the
7 east right-of-way line of Woods Road, 1,146.34 feet to a 1/2 inch
8 iron pipe found for corner of the herein described tract, being the
9 southwest corner of an adjoining called 1.0 acre tract described in
10 deed recorded in Volume 0676, Page 580, Official Records, Waller
11 County, Texas, and County Clerk's File Number 2000050964, Official
12 Public Records, Fort Bend County, Texas;

13 THENCE North 87 degrees 22 minutes 09 seconds East along the common
14 line of the herein described tract and said adjoining called 1.0
15 acre tract, at 211.82 feet pass a 1/2 inch iron pipe found on said
16 line for the southeast corner of said adjoining called 1.0 acre
17 tract, same being the southwest corner of an adjoining called 4.00
18 acre tract described in deed recorded in Volume 0651, Page 148,
19 Official Records, Waller County, Texas, and County Clerk's File
20 Number 2000050963, Official Public Records, Fort Bend County,
21 Texas, and continuing for a total distance of 461.91 feet to a 1/2
22 inch iron pipe with cap marked "Kalkomey Surveying" found for
23 reentry corner to the herein described tract, same being the
24 southeast corner of said adjoining called 4.00 acre tract;

25 THENCE North 02 degrees 36 minutes 57 seconds West along the common
26 line the herein described tract and said adjoining called 4.00 acre
27 tract, at 696.74 feet pass a 1/2 inch iron pipe with cap marked

1 "Kalkomey Surveying" found on said line for the northeast corner of
2 said adjoining called 4.00 acre tract, same being the southeast
3 corner of an adjoining 3.922 acre tract surveyed by the undersigned
4 this date, and continuing for a total distance of 853.82 feet to a
5 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for a
6 northwest corner of the herein described tract, same being the
7 lower southwest corner of the aforementioned adjoining 15.396 acre
8 tract surveyed by the undersigned this date, and being in the east
9 line of said adjoining 3.922 acre tract;

10 THENCE North 88 degrees 02 minutes 42 seconds East along the common
11 line of the herein described tract and said adjoining 15.396 acre
12 tract, 540.44 feet to a 1/2 inch iron pipe with cap marked "Kalkomey
13 Surveying" set for reentry corner to the herein described tract,
14 same being the southeast corner of said adjoining 15.396 acre
15 tract;

16 THENCE North 02 degrees 42 minutes 01 second West continuing along
17 said common line, at 960.06 feet pass a 1/2 inch iron pipe with cap
18 marked "Kalkomey Surveying" set on said line at its intersection
19 with the south margin of Jordan Road, and continuing for a total
20 distance of 1,030.06 feet to the Place of Beginning and containing
21 1,354.459 acres of land, more or less.

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

1 Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and Act to the Texas Commission on
4 Environmental Quality.

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

9 (d) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act are fulfilled
12 and accomplished.

13 SECTION 4. (a) If this Act does not receive a two-thirds
14 vote of all the members elected to each house, Subchapter C, Chapter
15 8487, Special District Local Laws Code, as added by Section 1 of
16 this Act, is amended by adding Section 8487.107 to read as follows:

17 Sec. 8487.107. NO EMINENT DOMAIN POWER. The district may
18 not exercise the power of eminent domain.

19 (b) This section is not intended to be an expression of a
20 legislative interpretation of the requirements of Section 17(c),
21 Article I, Texas Constitution.

22 SECTION 5. This Act takes effect September 1, 2013.