

By: Zerwas

H.B. No. 4126

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 218; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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 7927 to read as follows:

CHAPTER 7927. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 218

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7927.001. 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 Fort Bend County Municipal Utility District No. 218.

Sec. 7927.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7927.003. 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. 7927.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7927.003
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. 7927.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 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. 7927.006. 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. 7927.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7927.052, directors serve
6 staggered four-year terms.

7 Sec. 7927.052. TEMPORARY DIRECTORS. (a) On or after
8 September 1, 2015, the owner or owners of a majority of the assessed
9 value of the real property in the district may submit a petition to
10 the commission requesting that the commission appoint as temporary
11 directors the five persons named in the petition. The commission
12 shall appoint as temporary directors the five persons named in the
13 petition.

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

15 (1) the date permanent directors are elected under
16 Section 7927.003; or

17 (2) September 1, 2019.

18 (c) If permanent directors have not been elected under
19 Section 7927.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 7927.003; or

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

27 (d) If Subsection (c) applies, the owner or owners of a

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

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 7927.101. GENERAL POWERS AND DUTIES. The district has
9 the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 7927.102. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 7927.103. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 7927.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
23 project must meet all applicable construction standards, zoning and
24 subdivision requirements, and regulations of each municipality in
25 whose corporate limits or extraterritorial jurisdiction the road
26 project is located.

27 (b) If a road project is not located in the corporate limits

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

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

8 Sec. 7927.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
9 OR RESOLUTION. The district shall comply with all applicable
10 requirements of any ordinance or resolution that is adopted under
11 Section 54.016 or 54.0165, Water Code, and that consents to the
12 creation of the district or to the inclusion of land in the
13 district.

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 7927.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
16 district may issue, without an election, bonds and other
17 obligations secured by:

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

19 (2) contract payments described by Section 7927.153.

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

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

1 Sec. 7927.152. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 7927.151, the district
3 may impose an operation and maintenance tax on taxable property in
4 the district in accordance with Section 49.107, Water Code.

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

7 Sec. 7927.153. CONTRACT TAXES. (a) In accordance with
8 Section 49.108, Water Code, the district may impose a tax other than
9 an operation and maintenance tax and use the revenue derived from
10 the tax to make payments under a contract after the provisions of
11 the contract have been approved by a majority of the district voters
12 voting at an election held for that purpose.

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

16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17 Sec. 7927.201. AUTHORITY TO ISSUE BONDS AND OTHER
18 OBLIGATIONS. The district may issue bonds or other obligations
19 payable wholly or partly from ad valorem taxes, impact fees,
20 revenue, contract payments, grants, or other district money, or any
21 combination of those sources, to pay for any authorized district
22 purpose.

23 Sec. 7927.202. TAXES FOR BONDS. At the time the district
24 issues bonds payable wholly or partly from ad valorem taxes, the
25 board shall provide for the annual imposition of a continuing
26 direct ad valorem tax, without limit as to rate or amount, while all
27 or part of the bonds are outstanding as required and in the manner

1 provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 7927.203. BONDS FOR ROAD PROJECTS. At the time of
3 issuance, the total principal amount of bonds or other obligations
4 issued or incurred to finance road projects and payable from ad
5 valorem taxes may not exceed one-fourth of the assessed value of the
6 real property in the district.

7 SECTION 2. The Fort Bend County Municipal Utility District
8 No. 218 initially includes all the territory contained in the
9 following area:

10 A 232.215 acre, or 10,115,268 square feet more or less tract of
11 land, being all of that 250 acre tract of land conveyed to Frank
12 Chalupa and described in a deed recorded in Volume 182, Page 194 of
13 the Deed Records of Fort Bend County, Texas, subsequently divided
14 into seven parcels and conveyed as follows: 41.58 acres conveyed to
15 Edwin G. Chalupa et al in a deed recorded in Volume 708, Page 5,
16 corrected in document recorded in Volume 753, Page 746, Deed
17 Records of Fort Bend County, Texas, subsequently conveyed to
18 Patrick B. Chalupa, Melissa K. Chalupa aka Melissa Chalupa Gonzalez
19 by deeds recorded in Document Numbers 9621563, 2007000110,
20 2007061950, 2014005282, and 2014005283 of the Official Public
21 Records of Fort Bend County, Texas; 41.58 acres conveyed to Robert
22 E. Chalupa et al by deed recorded in Volume 708, Page 9, corrected
23 in Document recorded in Volume 753, Page 746, Deed Records of Fort
24 Bend County, Texas; 41.58 acres conveyed to Bessie R. Polasek,
25 Jerry William Polasek and Bessie R. Polasek as Trustee for Jerry
26 Wayne Polasek, Michael Polasek and Deborah Renee Polasek, by deed
27 recorded in Volume 708, Page 16, corrected in document recorded in

1 Volume 753, Page 746, Deed Records of Fort Bend County, Texas, and
2 being the same tract subsequently conveyed to Michael Polasek,
3 Jerry Wayne Polasek and Deborah Renee Polasek Macha by deeds
4 recorded in Document Numbers 9468263, 9468264, 946826, 09468266,
5 9468267, 8468268, 9459082, 9469083, and 9469084 of the Official
6 Public Records of Fort Bend County, Texas; 41.58 acres conveyed to
7 Anastazie M. Stasney, et al by deed recorded in Volume 705, Page 1,
8 corrected in document recorded in Volume 753, Page 746, Deed
9 Records of Fort Bend County, Texas, and being the same tract
10 subsequently conveyed to Alan Wayne Stasney by deeds recorded in
11 Document Numbers 9504686, 2006162504, and 2013128230 of the
12 Official Public Records of Fort Bend County, Texas; 41.58 acres
13 conveyed to John J. Chalupa, Trustee for the benefit of Delores
14 Chalupa in accordance with the Frank and Amalie Chalupa Trust III,
15 by deed recorded in Volume 707, Page 932, corrected in document
16 recorded in Volume 753, Page 748, Deed Records of Fort Bend County,
17 Texas; 20.2239 acres being a portion of 41.58 acres conveyed to John
18 J. Chalupa by deed recorded in Volume 708 Page 13, corrected in
19 document recorded in Volume 753, Page 746, Deed Records of Fort Bend
20 County, Texas, and being the same tract of land conveyed by deed
21 recorded in Document Number 9468272, Official Public Records of
22 Fort Bend County, Texas, to Bessie Polasek and Anastazie Stasney,
23 Co-Trustees for Bessie Polasek pursuant to Testamentary Trust
24 created by the Last Will and Testament of John J. Chalupa, admitted
25 to probate on August 10, 1992, in Cause No. 12,545, in the Probate
26 Court of Fort Bend County, Texas; and 21.4413 acre portion of 41.58
27 acres conveyed to John J. Chalupa by deed recorded in Volume 708,

1 Page 13, corrected in document recorded in Volume 753, Page 746,
2 Deed Records of Fort Bend County, Texas, and being the same tract of
3 land conveyed by deed recorded in Document Number 9468271, Official
4 Public Records of Fort Bend County, Texas, to Bessie Polasek and
5 Anastazie Stasney, Co-Trustees for Anastazie Stasney pursuant to
6 Testamentary Trust created by the Last Will and Testament of John J.
7 Chalupa, admitted to probate on August 10, 1992, in Cause
8 No. 12,545, in the Probate Court of Fort Bend County, Texas, all
9 situated in the W. Lusk Survey, Abstract 276, and the E. Wheat
10 Survey, Abstract 396, partially in the City of Rosenberg and
11 partially in the Rosenberg Extra-Territorial Jurisdiction, Fort
12 Bend County, Texas. Said 232.215 acre tract of land being more fully
13 described as follows, with bearings based on the Texas State Plane
14 Coordinate System, established for the South Central Zone, from the
15 North American Datum of 1983(NA2011), epoch 2010.00:

16 BEGINNING: At a set 5/8 inch iron rod with yellow cap marked
17 "Pape Dawson" at the northwest corner of said 250 acre tract of land
18 described in Volume 182, Page 194 of the Deed Records of Fort Bend
19 County, Texas, also being the northwest corner of said 41.58 acres
20 conveyed to Edwin G. Chalupa et al in a deed recorded in Volume 708,
21 page 5 of the Deed Records of Fort Bend County, Texas, and the
22 northwest corner of a 0.476 acre right-of-way easement conveyed to
23 the State of Texas and described in Volume 522, Page 45 of the Deed
24 Records of Fort Bend County, Texas for Minonite Road (also known as
25 F.M. 2977), a 100-foot wide right-of-way as shown on the
26 right-of-way map prepared for the Texas Department of
27 Transportation under CSJ 3048-1-4, also being the southwest corner

1 of a 0.977 acre tract of land conveyed to NGR Texas Power LLC in a
2 document recorded in Clerk's File No. 2007089660 and described in
3 Clerk's File No. 2007019710 of the Official Public Records of Fort
4 Bend County, Texas, and the southwest corner of a 0.093 of an acre
5 right-of-way easement conveyed to the State of Texas for said
6 Minonite Road and described in Volume 522, Page 36 of the Deed
7 Records of Fort Bend County, Texas;

8 THENCE: S67°37'36"E, along and with the northeast line of said
9 250 acre tract, the southwest line of said 0.977 acre tract, passing
10 the northeast corner of said 0.476 acre right-of-way easement and
11 southeast corner of said 0.093 acre right-of-way easement at a
12 distance of 9.00 feet, from which a found 3/4 inch iron pipe bears
13 N67°37'36"W, a distance of 0.28 feet, passing the southeast corner
14 of said 0.977 acre tract, the southwest corner of a 4.1687 acre
15 tract of land conveyed to HV Asset, LLC and described in Clerk's
16 File No. 2014072568 of the Official Public Records Fort Bend
17 County, Texas, at an additional distance of 91.00 feet, passing the
18 southeast corner of said 4.1687 acre tract, the southwest corner of
19 a 27.550 acre tract of land conveyed to Community Focus Foundation,
20 A Texas Foundation and described in Clerk's File No. 2013053843 of
21 the Official Public Records of Fort Bend County, Texas at an
22 additional distance of 368.89 feet, from which a found 3/4 inch iron
23 pipe bears S22°22'24"W, a distance of 0.23 feet, passing the
24 southeast corner of said 27.550 acre tract, the southwest corner of
25 a 16.313 acre tract of land conveyed to Community Focus Foundation,
26 a Texas Nonprofit Corporation in Clerk's File No. 2013054877 of the
27 Official Public Records of Fort Bend County, Texas at an additional

1 distance of 779.25 feet, from which a found iron rod with cap marked
2 "Kalkomey Surveying" bears N22°22'24"E, a distance of 0.27 feet,
3 passing the southeast corner of said 16.313 acre tract of land
4 conveyed to Community Focus Foundation, a Texas Nonprofit
5 Corporation, the southwest corner of a 16.313 acre tract of land
6 conveyed to Michael and Madeleine Ghosn, and described in Clerk's
7 File No. 2011016213 of the Official Public Records of Fort Bend
8 County, Texas at an additional distance of 449.82 feet, from which a
9 found iron rod with cap marked "Kalkomey Surveying" bears
10 N22°22'24"E, a distance of 0.57 feet, passing the southeast corner
11 of said 16.313 acre tract conveyed to Michael and Madeleine Ghosn,
12 the southwest corner of a 23.425 acre tract of land conveyed to
13 Niranjana and Jasmin Patel and described in Clerk's File
14 No. 2013077203 of the Official Public Records of Fort Bend County,
15 Texas at an additional distance of 449.73 feet, passing the
16 southeast corner of said 23.425 acre tract, the southwest corner of
17 a 32.626 acre tract of land conveyed to Vertical Capital Holdings,
18 LLC and described in Clerk's File No. 2014024505 of the Official
19 Public Records of Fort Bend County, Texas, at an additional
20 distance of 646.32 feet, passing the southeast corner of said
21 32.626 acre tract, the southwest corner of a 32.63 acre tract of
22 land conveyed to Zion Hill Baptist Church in Crabb, Texas and
23 described in Clerk's File No. 2010105939 of the Official Public
24 Records of Fort Bend County, Texas at an additional distance of
25 900.72 feet, passing the southeast corner of said 32.63 acre tract,
26 the southwest corner of a 33.450 acre tract of land conveyed to
27 Wilbert Ulrich and described in Volume 2236, Page 2080 of the Deed

1 Records of Fort Bend County, Texas at an additional distance of
2 901.24 feet, along and with the south line of said 33.450 acre
3 tract, and additional distance of 926.55 feet, for a total distance
4 of 5522.52 feet to a set MAG nail with shiner marked "Pape-Dawson"
5 on the east line of a 30-foot wide right-of-way easement conveyed to
6 Fort Bend County and described in Volume 181, Page 611 of the Deed
7 Records of Fort Bend County, Texas for the creation of Benton Road,
8 a 60-foot wide right-of-way, at the southeast corner of said 33.450
9 acre tract, the northeast corner of said 250 acre tract and the
10 northeast corner of said 20.2239 acre portion of a 41.58 acre tract
11 conveyed to John J. Chalupa by deed recorded in Volume 708, Page 13
12 of the Deed Records of Fort Bend County, Texas, from which a found
13 Mag nail bears N00°14'41"W, a distance of 3.79 feet;

14 THENCE: S22°21'30"W, along and with centerline of said Benton
15 Road, also being the east line of said 250 acre tract, the east line
16 of said 30-foot wide right-of-way easement, and the east line of
17 said 20.2239 acre and said 21.4413 acre portion of the 41.58 acre
18 tract of land conveyed to John J. Chalupa, passing a found MAG nail
19 at a distance of 750.63 feet, from which another found MAG nail
20 bears N17°20'04"E, a distance of 5.27 feet, continuing along said
21 east line and centerline, an additional distance of 1222.50 feet
22 for a total distance of 1973.13 feet to a set 5/8 inch iron rod with
23 yellow cap marked "Pape-Dawson" on the north line of a 30.71 acre
24 tract of land conveyed to Lennar Homes of Texas Land and
25 Construction, Ltd. and described in Clerk's File No. 2005142966 of
26 the Official Public Records of Fort Bend County, Texas, at the
27 southeast corner of said 250 acres tract, the southeast corner of

1 said 21.4413 acre tract, and the southeast corner of said 30-foot
2 wide right-of-way easement;

3 THENCE: N67°37'36"W, departing the centerline of said Benton
4 Road, also being the east line of said 250 acre tract, the east line
5 of said 30-foot wide right-of-way easement, and the east line of
6 said 20.2239 acre and 21.4413 acre portions of the 41.58 acre tract
7 of land conveyed to John J. Chalupa, along and with the south line
8 of said 250 acre tract of land, the north line of said 30.71 acre
9 tract, now partially platted as Walnut Creek Section Four, recorded
10 in Clerk's File No. 20140011 of the Official Public Records of Fort
11 Bend County, Texas and Walnut Creek Section Nine, recorded in
12 Clerk's File No. 20120064 of the Official Public Records of Fort
13 Bend County, Texas, passing a found iron rod with cap marked "IDS"
14 at the common corner between Lot 16, Block 1 and Lot 26, Block 1 of
15 said Walnut Creek Section Four at a distance of 1899.49 feet,
16 passing a found iron rod with illegible cap at the common corner
17 between Lot 14, Block 1 of said Walnut Creek Section Four and Lot
18 18, Block 1 of said Walnut Creek Section Nine at an additional
19 distance of 327.00 feet, continuing along the south line of said 250
20 acres, now being the north line of said Walnut Creek Section Nine,
21 passing the northwest corner of said Walnut Creek Section Nine, the
22 northeast corner of Walnut Creek Section Three, recorded in Clerk's
23 File No. 20090032 of the Official Public Records of Fort Bend
24 County, Texas at an additional distance of 917.38 feet, passing the
25 northwest corner of said Walnut Creek Section Three, the northeast
26 corner of Rosehaven Section 2, recorded in Clerk's File
27 No. 20050172 of the Official Public Records of Fort Bend County,

1 Texas at an additional distance of 259.13 feet, passing the
2 northwest corner of said Rosehaven Sec. 2, the northeast corner of
3 Restricted Reserve "A", Walnut Creek Recreational Reserve,
4 recorded in Clerk's File No. 20100086 of the Official Public
5 Records of Fort Bend County, Texas, at an additional distance of
6 1,290.33, for a total distance of 4989.24 feet, to a point, said
7 point being located S67°37'36"E a distance of 16.07 feet from the
8 northwest corner of said Rosehaven Sec. 2, the northeast corner of
9 Restricted Reserve "A", Walnut Creek Recreational Reserve,
10 recorded in Clerk's File No. 20100086 of the Official Public
11 Records of Fort Bend County, Texas;

12 THENCE: Over and across the said 250 acre tract of land the
13 following courses and distances:

14 N22°22'24"E, a distance of 129.84 feet to a point,

15 N20°01'13"E, a distance of 59.92 feet to a point,

16 N22°28'53"E, a distance of 358.51 feet to a point,

17 N18°09'34"E, a distance of 60.26 feet to a point,

18 N22°24'27"E, a distance of 129.92 feet to a point,

19 N22°48'47"E, a distance of 152.32 feet to a point,

20 N17°28'20"E, a distance of 190.00 feet to a point,

21 S72°54'19"E, a distance of 23.20 feet to a point,

22 Northeasterly, along a non-tangent curve to the left, having
23 a radial bearing of N 17°05'41" E, a radius of 24.84 feet, a central
24 angle of 92°12'15", a chord bearing and distance of N 60°59'33" E,
25 35.80 feet, for an arc length of 39.98 feet to a point,

26 Southeasterly, along the arc of a reverse curve to the right
27 with a radius of 780.39 feet, an interior angle of 12°35'14", and a

1 chord bearing and distance of N 21°11'03" E, 171.10 feet; for an arc
2 length of 171.44 feet to a point,

3 N 27°06'01" E, a distance of 59.97 feet to a point,

4 Northwesterly, along a tangent curve to the left with a
5 radius of 2280.00 feet, a central angle of 02°47'20", and a chord
6 bearing and distance of N 25°42'20" E, 110.97 feet, for an arc length
7 of 110.98 feet to a point,

8 N 67°30'19" W, a distance of 260.14 feet to a point,

9 N 54°51'39" W, a distance of 61.08 feet to a point, and

10 N 67°21'55" W, a distance of 247.25 feet to a point;

11 THENCE: N 22°29'41" E, along and with the west line of said
12 0.476 acre right-of-way easement and west line of said 250 acre
13 tract, a distance of 506.41 feet to the POINT OF BEGINNING and
14 containing 232.215 acres in the Extra-Territorial Jurisdiction of
15 Rosenberg, Fort Bend County, Texas. Said tract being described in
16 accordance with a survey made on the ground and a survey description
17 and map prepared under job number 49077-14 by Pape-Dawson
18 Engineers, Inc.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

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

10 SECTION 4. (a) If this Act does not receive a two-thirds
11 vote of all the members elected to each house, Subchapter C, Chapter
12 7927, Special District Local Laws Code, as added by Section 1 of
13 this Act, is amended by adding Section 7927.106 to read as follows:

14 Sec. 7927.106. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

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

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