

1-1 By: Thompson of Brazoria H.B. No. 1963
 1-2 (Senate Sponsor - Taylor of Galveston)
 1-3 (In the Senate - Received from the House May 1, 2017;
 1-4 May 4, 2017, read first time and referred to Committee on
 1-5 Administration; May 9, 2017, reported favorably by the following
 1-6 vote: Yeas 6, Nays 0; May 9, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the creation of the Brazoria County Municipal Utility
 1-19 District No. 70; granting a limited power of eminent domain;
 1-20 providing authority to issue bonds; providing authority to impose
 1-21 assessments, fees, and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-24 Code, is amended by adding Chapter 7964 to read as follows:

1-25 CHAPTER 7964. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 70

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 7964.001. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on
 1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Brazoria County Municipal
 1-33 Utility District No. 70.

1-34 Sec. 7964.002. NATURE OF DISTRICT. The district is a
 1-35 municipal utility district created under Section 59, Article XVI,
 1-36 Texas Constitution.

1-37 Sec. 7964.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-38 REQUIRED. The temporary directors shall hold an election to
 1-39 confirm the creation of the district and to elect five permanent
 1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 7964.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-42 temporary directors may not hold an election under Section 7964.003
 1-43 until each municipality in whose corporate limits or
 1-44 extraterritorial jurisdiction the district is located has
 1-45 consented by ordinance or resolution to the creation of the
 1-46 district and to the inclusion of land in the district.

1-47 Sec. 7964.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
 1-48 The district is created to serve a public purpose and benefit.

1-49 (b) The district is created to accomplish the purposes of:

1-50 (1) a municipal utility district as provided by
 1-51 general law and Section 59, Article XVI, Texas Constitution; and

1-52 (2) Section 52, Article III, Texas Constitution, that
 1-53 relate to the construction, acquisition, improvement, operation,
 1-54 or maintenance of macadamized, graveled, or paved roads, or
 1-55 improvements, including storm drainage, in aid of those roads.

1-56 Sec. 7964.006. INITIAL DISTRICT TERRITORY. (a) The
 1-57 district is initially composed of the territory described by
 1-58 Section 2 of the Act enacting this chapter.

1-59 (b) The boundaries and field notes contained in Section 2 of
 1-60 the Act enacting this chapter form a closure. A mistake made in the
 1-61 field notes or in copying the field notes in the legislative process

2-1 does not affect the district's:

2-2 (1) organization, existence, or validity;

2-3 (2) right to issue any type of bond for the purposes
 2-4 for which the district is created or to pay the principal of and
 2-5 interest on a bond;

2-6 (3) right to impose a tax; or

2-7 (4) legality or operation.

2-8 SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 7964.051. GOVERNING BODY; TERMS. (a) The district is
 2-10 governed by a board of five elected directors.

2-11 (b) Except as provided by Section 7964.052, directors serve
 2-12 staggered four-year terms.

2-13 Sec. 7964.052. TEMPORARY DIRECTORS. (a) On or after the
 2-14 effective date of the Act enacting this chapter, the owner or owners
 2-15 of a majority of the assessed value of the real property in the
 2-16 district may submit a petition to the commission requesting that
 2-17 the commission appoint as temporary directors the five persons
 2-18 named in the petition. The commission shall appoint as temporary
 2-19 directors the five persons named in the petition.

2-20 (b) Temporary directors serve until the earlier of:

2-21 (1) the date permanent directors are elected under
 2-22 Section 7964.003; or

2-23 (2) the fourth anniversary of the effective date of
 2-24 the Act enacting this chapter.

2-25 (c) If permanent directors have not been elected under
 2-26 Section 7964.003 and the terms of the temporary directors have
 2-27 expired, successor temporary directors shall be appointed or
 2-28 reappointed as provided by Subsection (d) to serve terms that
 2-29 expire on the earlier of:

2-30 (1) the date permanent directors are elected under
 2-31 Section 7964.003; or

2-32 (2) the fourth anniversary of the date of the
 2-33 appointment or reappointment.

2-34 (d) If Subsection (c) applies, the owner or owners of a
 2-35 majority of the assessed value of the real property in the district
 2-36 may submit a petition to the commission requesting that the
 2-37 commission appoint as successor temporary directors the five
 2-38 persons named in the petition. The commission shall appoint as
 2-39 successor temporary directors the five persons named in the
 2-40 petition.

2-41 SUBCHAPTER C. POWERS AND DUTIES

2-42 Sec. 7964.101. GENERAL POWERS AND DUTIES. The district has
 2-43 the powers and duties necessary to accomplish the purposes for
 2-44 which the district is created.

2-45 Sec. 7964.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-46 DUTIES. The district has the powers and duties provided by the
 2-47 general law of this state, including Chapters 49 and 54, Water Code,
 2-48 applicable to municipal utility districts created under Section 59,
 2-49 Article XVI, Texas Constitution.

2-50 Sec. 7964.103. LEVEE IMPROVEMENT DISTRICT POWERS AND
 2-51 DUTIES. The district has the powers and duties provided by the
 2-52 general law of this state, including Chapter 57, Water Code,
 2-53 applicable to levee improvement districts created under Section 59,
 2-54 Article XVI, Texas Constitution.

2-55 Sec. 7964.104. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-56 52, Article III, Texas Constitution, the district may design,
 2-57 acquire, construct, finance, issue bonds for, improve, operate,
 2-58 maintain, and convey to this state, a county, or a municipality for
 2-59 operation and maintenance macadamized, graveled, or paved roads, or
 2-60 improvements, including storm drainage, in aid of those roads.

2-61 Sec. 7964.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road
 2-62 project must meet all applicable construction standards, zoning and
 2-63 subdivision requirements, and regulations of each municipality in
 2-64 whose corporate limits or extraterritorial jurisdiction the road
 2-65 project is located.

2-66 (b) If a road project is not located in the corporate limits
 2-67 or extraterritorial jurisdiction of a municipality, the road
 2-68 project must meet all applicable construction standards,
 2-69 subdivision requirements, and regulations of each county in which

3-1 the road project is located.

3-2 (c) If the state will maintain and operate the road, the
 3-3 Texas Transportation Commission must approve the plans and
 3-4 specifications of the road project.

3-5 Sec. 7964.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 3-6 OR RESOLUTION. The district shall comply with all applicable
 3-7 requirements of any ordinance or resolution that is adopted under
 3-8 Section 54.016 or 54.0165, Water Code, and that consents to the
 3-9 creation of the district or to the inclusion of land in the
 3-10 district.

3-11 Sec. 7964.107. DIVISION OF DISTRICT. (a) The district may
 3-12 be divided into two or more new districts only if:

3-13 (1) the district has no outstanding bonded debt; and

3-14 (2) the district is not imposing ad valorem taxes.

3-15 (b) This chapter applies to any new district created by the
 3-16 division of the district, and a new district has all the powers and
 3-17 duties of the district.

3-18 (c) Any new district created by the division of the district
 3-19 may not, at the time the new district is created, contain any land
 3-20 outside the area described by Section 2 of the Act creating this
 3-21 chapter.

3-22 (d) The board, on its own motion or on receipt of a petition
 3-23 signed by the owner or owners of a majority of the assessed value of
 3-24 the real property in the district, may adopt an order dividing the
 3-25 district.

3-26 (e) The board may adopt an order dividing the district
 3-27 before or after the date the board holds an election under Section
 3-28 7964.003 to confirm the creation of the district.

3-29 (f) An order dividing the district shall:

3-30 (1) name each new district;

3-31 (2) include the metes and bounds description of the
 3-32 territory of each new district;

3-33 (3) appoint temporary directors for each new district;

3-34 and

3-35 (4) provide for the division of assets and liabilities
 3-36 between or among the new districts.

3-37 (g) On or before the 30th day after the date of adoption of
 3-38 an order dividing the district, the district shall file the order
 3-39 with the commission and record the order in the real property
 3-40 records of each county in which the district is located.

3-41 (h) Any new district created by the division of the district
 3-42 shall hold a confirmation and directors' election as required by
 3-43 Section 7964.003.

3-44 (i) If the creation of the new district is confirmed, the
 3-45 new district shall provide the election date and results to the
 3-46 commission.

3-47 (j) Any new district created by the division of the district
 3-48 must hold an election as required by this chapter to obtain voter
 3-49 approval before the district may impose a maintenance tax or issue
 3-50 bonds payable wholly or partly from ad valorem taxes.

3-51 (k) Municipal consent to the creation of the district and to
 3-52 the inclusion of land in the district granted under Section
 3-53 7964.004 acts as municipal consent to the creation of any new
 3-54 district created by the division of the district and to the
 3-55 inclusion of land in the new district.

3-56 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-57 Sec. 7964.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
 3-58 district may issue, without an election, bonds and other
 3-59 obligations secured by:

3-60 (1) revenue other than ad valorem taxes; or

3-61 (2) contract payments described by Section 7964.153.

3-62 (b) The district must hold an election in the manner
 3-63 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-64 before the district may impose an ad valorem tax or issue bonds
 3-65 payable from ad valorem taxes.

3-66 (c) The district may not issue bonds payable from ad valorem
 3-67 taxes to finance a road project unless the issuance is approved by a
 3-68 vote of a two-thirds majority of the district voters voting at an
 3-69 election held for that purpose.

4-1 Sec. 7964.152. OPERATION AND MAINTENANCE TAX. (a) If
4-2 authorized at an election held under Section 7964.151, the district
4-3 may impose an operation and maintenance tax on taxable property in
4-4 the district in accordance with Section 49.107, Water Code.

4-5 (b) The board shall determine the tax rate. The rate may not
4-6 exceed the rate approved at the election.

4-7 Sec. 7964.153. CONTRACT TAXES. (a) In accordance with
4-8 Section 49.108, Water Code, the district may impose a tax other than
4-9 an operation and maintenance tax and use the revenue derived from
4-10 the tax to make payments under a contract after the provisions of
4-11 the contract have been approved by a majority of the district voters
4-12 voting at an election held for that purpose.

4-13 (b) A contract approved by the district voters may contain a
4-14 provision stating that the contract may be modified or amended by
4-15 the board without further voter approval.

4-16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-17 Sec. 7964.201. AUTHORITY TO ISSUE BONDS AND OTHER
4-18 OBLIGATIONS. The district may issue bonds or other obligations
4-19 payable wholly or partly from ad valorem taxes, impact fees,
4-20 revenue, contract payments, grants, or other district money, or any
4-21 combination of those sources, to pay for any authorized district
4-22 purpose.

4-23 Sec. 7964.202. TAXES FOR BONDS. At the time the district
4-24 issues bonds payable wholly or partly from ad valorem taxes, the
4-25 board shall provide for the annual imposition of a continuing
4-26 direct ad valorem tax, without limit as to rate or amount, while all
4-27 or part of the bonds are outstanding as required and in the manner
4-28 provided by Sections 54.601 and 54.602, Water Code.

4-29 Sec. 7964.203. BONDS FOR ROAD PROJECTS. At the time of
4-30 issuance, the total principal amount of bonds or other obligations
4-31 issued or incurred to finance road projects and payable from ad
4-32 valorem taxes may not exceed one-fourth of the assessed value of the
4-33 real property in the district.

4-34 SECTION 2. The Brazoria County Municipal Utility District
4-35 No. 70 initially includes all the territory contained in the
4-36 following area:

4-37 A METES & BOUNDS description of a certain 2273.1 acres of land
4-38 situated in the H.T.&B.R.R. Company Survey, Abstract No. 254, the
4-39 H.T.&B.R.R. Company Survey, Abstract No. 251, the A. A. Talmage
4-40 Survey, Abstract No. 554, the A. A. Talmage Survey, Abstract
4-41 No. 553 and the James L Holmes Heirs Survey, Abstract No. 610, all
4-42 in Brazoria County, Texas and being out of a called 2856.555 acre
4-43 tract of land (Tract 1) and a called 14.188 acre tract of land
4-44 (Tract 2), conveyed to Dee S. Osborne by the deed recorded in Volume
4-45 1159, Page 715 of the Brazoria County Deed Records, a called 98.2535
4-46 acre tract of land conveyed to Southeast Properties, Ltd by the deed
4-47 recorded in Clerk's File No. 92-33050 of the Brazoria County
4-48 Official Public Records and a called 109.232 acre tract of land
4-49 conveyed to Southeast Properties, LTD recorded in Volume 1221, Page
4-50 362 of the Brazoria County Deed Records; said 2273.1 acres being
4-51 more particularly described in two tracts as follows, with all
4-52 bearings being based on the Texas Coordinate System, South Central
4-53 Zone, NAD 83;

4-54 TRACT ONE, 1208.2 ACRES

4-55 BEGINNING at a found 5/8-inch iron rod at the northwest
4-56 corner of said 14.188 acre tract, common with the northeast corner
4-57 of a called 2.50 acre tract of land conveyed to Carlos Hernandez and
4-58 Olga Hernandez by the deed recorded in Clerk's File No. 99-056053
4-59 of the Brazoria County Official Public Records and being in the
4-60 southerly right-of-way line of County Road 511;

4-61 THENCE, North 87°04'39" East, along the northerly line of said
4-62 14.188 acre tract, common with said southerly right-of-way line, at
4-63 a distance of 1546.49 feet passing a found 1/2-inch iron rod for the
4-64 northeast corner of said 14.188 acre tract and continuing for a
4-65 total distance of 1646.82 feet to a point for corner in the
4-66 right-of-way of FM 1462;

4-67 THENCE, South 30°16'03" East, at 54.76 feet passing a found
4-68 1/2-inch iron rod at the northernmost corner of said 2856.555 acre
4-69 tract, common with the intersection of the Southerly right-of-way

5-1 line of said FM 1462 with the westerly right-of-way line of said
 5-2 County Road 511 and then continuing with the easterly line of said
 5-3 2856.555 acre tract, common with the westerly right-of-way line of
 5-4 said County Road 511, for a total distance of 5989.45 feet to a set
 5-5 3/4-inch iron rod (with cap stamped "Jones|Carter property corner")
 5-6 at the beginning of a non-tangent curve to the left;

5-7 THENCE, departing said common line, over and across said
 5-8 2856.555 acres and along the arc of said non-tangent curve to the
 5-9 left having a radius of 2640.00 feet, a central angle of 66°45'27",
 5-10 an arc length of 3075.96 feet, and a long chord bearing South
 5-11 03°17'15" West, 2904.90 feet to a point for corner;

5-12 THENCE, South 30°05'28" East, a distance of 23.74 feet to a
 5-13 set 3/4-inch iron rod (with cap stamped "Jones|Carter property
 5-14 corner") in the southeasterly line of said 2856.555 acre tract,
 5-15 common with the northwesterly line of a called 110.21 acre tract of
 5-16 land conveyed to Patrick D. Moller and wife, Suzanne Moller by the
 5-17 deed recorded in Clerk's File No. 96-005947 of the Brazoria County
 5-18 Official Public Records and from which a found 5/8-inch iron rod in
 5-19 the westerly right-of-way line of said County Road 511, bears North
 5-20 59°36'38" East, 955.96 feet;

5-21 THENCE, South 59°36'38" West, along said common line, a
 5-22 distance of 2575.73 feet to a set 3/4-inch iron rod (with cap
 5-23 stamped "Jones|Carter property corner") at the beginning of a
 5-24 non-tangent curve to the right;

5-25 THENCE, departing said common line, over and across said
 5-26 2856.555 acres and along the arc of said non-tangent curve to the
 5-27 right having a radius of 5280.00 feet, a central angle of 07°33'42",
 5-28 an arc length of 696.84 feet, and a long chord bearing North
 5-29 48°41'21" West, 696.33 feet to the beginning of a compound curve to
 5-30 the right;

5-31 THENCE, continuing over and across said 2856.555 acres and
 5-32 along the arc of said compound curve to the right having a radius of
 5-33 5280.00 feet, a central angle of 21°24'05", an arc length of 1972.22
 5-34 feet, and a long chord bearing North 51°53'34" West, 1960.78 feet to
 5-35 a point for corner;

5-36 THENCE, continuing over and across said 2856.555 acres, the
 5-37 following six (6) bearings and distances;

5-38 1) North 67°16'53" West, a distance of 1365.55 feet to
 5-39 a point for corner;

5-40 2) North 68°00'23" West, a distance of 1178.08 feet to
 5-41 a point for corner;

5-42 3) North 67°37'10" West, a distance of 885.98 feet to a
 5-43 point for corner;

5-44 4) North 34°22'34" West, a distance of 700.44 feet to a
 5-45 point for corner;

5-46 5) North 33°50'21" West, a distance of 1651.19 feet to
 5-47 a point for corner;

5-48 6) North 32°16'42" West, a distance of 473.37 feet to a
 5-49 point for corner;

5-50 THENCE, North 33°31'32" West, continuing over and across said
 5-51 2856.555 acres and over and across said 98.2535 acres, a distance of
 5-52 2191.74 feet to a set 3/4-inch iron rod (with cap stamped
 5-53 "Jones|Carter property corner") in the northerly line of said
 5-54 2856.555 acres, common with the southerly right-of-way line of said
 5-55 FM 1462;

5-56 THENCE, North 86°56'14" East, along said common line, at
 5-57 186.72 feet passing a found 1/2-inch iron rod at the northwest
 5-58 corner of said 98.2535 acres, at 1005.62 feet passing a found
 5-59 concrete monument at the northeast corner of said 98.2535 acre
 5-60 tract, then continuing with the northerly line of said 2856.555
 5-61 acres, common with the southerly right-of-way line of said FM 1462,
 5-62 for a total distance of 2296.45 feet to a point for corner;

5-63 THENCE, North 86°49'41" East, continuing along said common
 5-64 line, a distance of 1353.40 feet to the beginning of a curve to the
 5-65 left;

5-66 THENCE, continuing along said common line and the arc of said
 5-67 curve to the left having a radius of 1482.69 feet, a central angle
 5-68 of 14°54'54", an arc length of 385.97 feet, and a long chord bearing
 5-69 North 79°22'13" East, 384.88 feet to the westernmost corner of a

6-1 called 3.37 acre tract of land conveyed to Tommy Nguyen and wife,
6-2 Kathy Nguyen by the deed recorded in Clerk's File No. 2005005114 of
6-3 the Brazoria County Official Public Records;

6-4 THENCE, North 86°52'55" East, along a northerly line of said
6-5 2856.555 acre tract, common with the southerly line of said 3.37
6-6 acre tract, a distance of 830.05 feet to the southeast corner of
6-7 said 3.37 acre tract, common with an interior corner of said
6-8 2856.555 acre tract;

6-9 THENCE, North 02°42'05" West, along an interior line of said
6-10 2856.555 acre tract, common with the easterly line of said 3.37 acre
6-11 tract, a distance of 388.94 feet to the northernmost corner of said
6-12 3.37 acre tract also being in the southerly right-of-way line of
6-13 said FM 1462;

6-14 THENCE, North 59°47'44" East, along northerly line of said
6-15 2856.555 acre tract, common with the southerly right-of-way line of
6-16 said FM 1462, a distance of 1089.08 feet to a point for corner;

6-17 THENCE, North 02°54'16" West, departing said common line and
6-18 over and across the right-of-way of said FM 1462, at a distance of
6-19 111.54 feet passing a found 1/2-inch iron rod at the southwest
6-20 corner of said 14.188 acre tract, common with the southeast corner
6-21 of a called 2.311 acre tract of land conveyed to Yu-Ping Goodman by
6-22 the deed recorded in Clerk's File No. 02-008105 of the Brazoria
6-23 County Official Public Records, then continuing along the easterly
6-24 lines of said 2.311 acre and 2.50 acre tracts, common with the
6-25 westerly line of said 14.188 acre tract, for a total distance of
6-26 911.10 feet to the POINT OF BEGINNING, OF TRACT ONE CONTAINING
6-27 1208.2 acres.

6-28 TRACT 2, 1064.9 ACRES

6-29 COMMENCING at a found 5/8-inch iron rod at the northwest
6-30 corner of said 14.188 acre tract, common with the northeast corner
6-31 of said 2.50 acre tract and being the POINT OF BEGINNING of the
6-32 above described Tract One.

6-33 THENCE, South 02°54'16" East, along the westerly line of said
6-34 14.188 acre tract, common with the easterly lines of said 2.50 acre
6-35 and 2.311 acre tracts, at 799.56 feet passing a 1/2-inch iron rod
6-36 found at the southwest corner of said 14.188 acre tract, common with
6-37 the southeast corner of said 2.311 acre tract, then continuing over
6-38 and across said right-of-way of FM 1462, a total distance of 911.10
6-39 feet to a point in the northerly line of said 2856.555 acre tract,
6-40 common with the southerly right-of-way line of said FM 1462;

6-41 THENCE, South 59°47'44" West, along said common line, a
6-42 distance of 1089.08 feet to the northernmost corner of a said 3.37
6-43 acre tract;

6-44 THENCE, South 02°42'05" East, departing said common line and
6-45 along an interior line of said 2856.555 acre tract, common with the
6-46 easterly line of said 3.37 acre tract, a distance of 388.94 feet to
6-47 the southeast corner of said 3.37 acre tract, common with an
6-48 interior corner of said 2856.555 acre tract;

6-49 THENCE, South 86°52'55" West, along a northerly line of said
6-50 2856.555 acre tract, common with the southerly line of said 3.37
6-51 acre tract, a distance of 830.05 feet to the westernmost corner of
6-52 said 3.37 acre tract, being in the southerly right-of-way line of
6-53 said FM 1462 at the beginning of a curve to the right;

6-54 THENCE, along a northerly line of said 2856.555 acre tract,
6-55 common with the southerly right-of-way line of said FM 1462 and the
6-56 arc of said curve to the right having a radius of 1482.69 feet, a
6-57 central angle of 14°54'54", an arc length of 385.97 feet, and a long
6-58 chord bearing South 79°22'13" West, 384.88 feet to a point for
6-59 corner;

6-60 THENCE, South 86°49'41" West, continuing along said common
6-61 line, a distance of 1353.40 feet to a point for corner;

6-62 THENCE, South 86°56'14" West, continuing along said southerly
6-63 right-of-way line, common with the northerly line of said 2856.555
6-64 acres and the northerly line of said 98.2535 acres, distance of
6-65 2296.45 feet to a point for corner;

6-66 THENCE, South 87°01'47" West, continuing along said southerly
6-67 right-of-way line, common with the northerly line of said 2856.555
6-68 acres and the northerly line of said 109.232 acres, a distance of
6-69 1590.81 feet to the northwest corner of said 109.232 acre tract,

7-1 being in the easterly line of a called 80.74 acre tract of land
7-2 conveyed to South Associates by the deed recorded in Volume 1420,
7-3 Page 710 of the Brazoria County Deed Records;
7-4 THENCE, South 02°27'26" East, departing said common line and
7-5 along the westerly line of said 109.232 acre tract, common with the
7-6 easterly line of said 80.74 acre tract, a distance of 2584.43 feet
7-7 to the southeast corner of said 80.74 acres, common with an interior
7-8 corner of said 2856.555 acre tract;
7-9 THENCE, South 86°55'53" West, along the southerly line of said
7-10 80.74 acres, common with a northerly line of said 2856.555 acres, a
7-11 distance of 256.28 feet to a set 3/4-inch iron rod (with cap stamped
7-12 "Jones|Carter property corner") for the POINT OF BEGINNING of the
7-13 herein described tract;
7-14 THENCE over and across said 2856.55 and 109.232 acre tracts
7-15 the following six (6) bearings and distances;
7-16 1) South 33°07'56" East, a distance of 1574.72 feet to
7-17 a point for corner;
7-18 2) South 32°45'11" East, a distance of 1737.40 feet to
7-19 a point for corner;
7-20 3) South 34°06'46" East, a distance of 525.85 feet to a
7-21 point for corner;
7-22 4) South 37°02'29" East, a distance of 125.27 feet to a
7-23 point for corner;
7-24 5) South 33°08'38" East, a distance of 825.02 feet to a
7-25 point for corner;
7-26 6) South 67°31'02" East, a distance of 2641.65 feet to
7-27 a point for corner;
7-28 THENCE, South 67°38'45" East, continuing over and across said
7-29 2856.555 acres, a distance of 2391.22 feet to a set 3/4-inch iron
7-30 rod (with cap stamped "Jones|Carter property corner") in the
7-31 southeasterly line of said 2856.555 acre tract, common with the
7-32 northwesterly line of a called 5440.64 acre tract of land conveyed
7-33 to HRI Development Corporation by the deed recorded in Clerk's File
7-34 No. 88544-596 of the Brazoria County Official Public Records;
7-35 THENCE, South 59°36'38" West, along said common line, a
7-36 distance of 4112.50 feet to a found axel at the most southerly
7-37 southeast corner of said 2856.555 acres also being an interior
7-38 corner of said 5440.64 acres;
7-39 THENCE, South 89°58'50" West, along the southerly line of said
7-40 2856.555 acre tract, common with a northerly line of said 5440.64
7-41 acre tract, a distance of 4086.26 feet to an angle point;
7-42 THENCE, South 87°30'17" West, continuing along said common
7-43 line, a distance of 2116.63 feet to the southwest corner of said
7-44 2856.555 acre tract, common with the southeast corner of a called
7-45 347.07 acre tract of land conveyed to Tehama Communities, LLP by the
7-46 deed recorded in Clerk's File No. 2005072012 of the Brazoria County
7-47 Official Public Records;
7-48 THENCE, North 03°17'11" West, along a westerly line of said
7-49 2856.555 acre tract, common with the easterly line of said 347.07
7-50 acre tract, a distance of 5281.54 feet to the northeast corner of
7-51 said 347.07 acre tract, being in the southerly line of a called 50
7-52 acre tract of land conveyed to Willie Alton, et al by the deed
7-53 recorded in Volume 928, Page 141 of the Brazoria County Deed
7-54 Records;
7-55 THENCE, North 87°07'20" East, along an interior line of said
7-56 2856.555 acre tract, common with the southerly line of said 50 acre
7-57 tract, a distance of 486.77 feet to the southeast corner of said 50
7-58 acre tract, common with an interior corner of said 2856.555 acre
7-59 tract;
7-60 THENCE, North 02°42'52" West, along a westerly line of said
7-61 2856.555 acre tract, common with the easterly lines of said 50 acre
7-62 tract, a called 40.13 acre tract of land conveyed to Krystal G.
7-63 Hodge by the deed recorded in Clerk's File No. 2014019841 of the
7-64 Brazoria County Official Public Records and a called 42.122 acre
7-65 tract of land conveyed to Bjorn F. Lindgren and wife, Beverly L.
7-66 Lindgren by the deed recorded in Clerk's File No. 2004063194 of the
7-67 Brazoria County Official Public Records, a distance of 2675.71
7-68 feet to the most westerly northwest corner of said 2856.55 acre
7-69 tract, common with the southeast corner of a called 80.74 acre tract

8-1 (Tract 2) of land conveyed to South Associates by the deed recorded
8-2 in Volume 1420, Page 710 of the Brazoria County Deed Records;

8-3 THENCE, North 86°55'53" East, along a northerly line of said
8-4 2856.555 acre tract, common with the southerly lines of said 80.74
8-5 acre tracts (Tract I and 2), a distance of 2420.68 feet to the POINT
8-6 OF BEGINNING OF TRACT TWO, CONTAINING 1064.9 acres and together
8-7 with the above described tract one containing a total of 2273.1
8-8 acres of land in Brazoria County, Texas.

8-9 SECTION 3. (a) The legal notice of the intention to
8-10 introduce this Act, setting forth the general substance of this
8-11 Act, has been published as provided by law, and the notice and a
8-12 copy of this Act have been furnished to all persons, agencies,
8-13 officials, or entities to which they are required to be furnished
8-14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-15 Government Code.

8-16 (b) The governor, one of the required recipients, has
8-17 submitted the notice and Act to the Texas Commission on
8-18 Environmental Quality.

8-19 (c) The Texas Commission on Environmental Quality has filed
8-20 its recommendations relating to this Act with the governor, the
8-21 lieutenant governor, and the speaker of the house of
8-22 representatives within the required time.

8-23 (d) All requirements of the constitution and laws of this
8-24 state and the rules and procedures of the legislature with respect
8-25 to the notice, introduction, and passage of this Act are fulfilled
8-26 and accomplished.

8-27 SECTION 4. (a) If this Act does not receive a two-thirds
8-28 vote of all the members elected to each house, Subchapter C, Chapter
8-29 7964, Special District Local Laws Code, as added by Section 1 of
8-30 this Act, is amended by adding Section 7964.108 to read as follows:

8-31 Sec. 7964.108. NO EMINENT DOMAIN POWER. The district may
8-32 not exercise the power of eminent domain.

8-33 (b) This section is not intended to be an expression of a
8-34 legislative interpretation of the requirements of Section 17(c),
8-35 Article I, Texas Constitution.

8-36 SECTION 5. This Act takes effect immediately if it receives
8-37 a vote of two-thirds of all the members elected to each house, as
8-38 provided by Section 39, Article III, Texas Constitution. If this
8-39 Act does not receive the vote necessary for immediate effect, this
8-40 Act takes effect September 1, 2017.

8-41 * * * * *