

1-1 By: Bell of Montgomery (Senate Sponsor - Nichols) H.B. No. 3047
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 8, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 17, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 17, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Montgomery County Municipal Utility
1-18 District No. 167; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 8065 to read as follows:

1-24 CHAPTER 8065. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 167

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8065.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Montgomery County Municipal
1-32 Utility District No. 167.

1-33 Sec. 8065.0102. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 8065.0103. CONFIRMATION AND DIRECTOR ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8065.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section
1-42 8065.0103 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 8065.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8065.0106. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act enacting this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8065.0201. GOVERNING BODY; TERMS. (a) The district is
 2-9 governed by a board of five elected directors.
 2-10 (b) Except as provided by Section 8065.0202, directors
 2-11 serve staggered four-year terms.

2-12 Sec. 8065.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-13 board consists of:

- 2-14 (1) Jesus Espinoza;
- 2-15 (2) Norman E. Gutierrez;
- 2-16 (3) John D. Eckstrum;
- 2-17 (4) Tommy Nichol; and
- 2-18 (5) Blake Cogdell.

2-19 (b) Temporary directors serve until the earlier of:
 2-20 (1) the date permanent directors are elected under
 2-21 Section 8065.0103; or
 2-22 (2) the fourth anniversary of the effective date of
 2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under
 2-25 Section 8065.0103 and the terms of the temporary directors have
 2-26 expired, successor temporary directors shall be appointed or
 2-27 reappointed as provided by Subsection (d) to serve terms that
 2-28 expire on the earlier of:

- 2-29 (1) the date permanent directors are elected under
 2-30 Section 8065.0103; or
- 2-31 (2) the fourth anniversary of the date of the
 2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a
 2-34 majority of the assessed value of the real property in the district
 2-35 may submit a petition to the commission requesting that the
 2-36 commission appoint as successor temporary directors the five
 2-37 persons named in the petition. The commission shall appoint as
 2-38 successor temporary directors the five persons named in the
 2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8065.0301. GENERAL POWERS AND DUTIES. The district
 2-42 has the powers and duties necessary to accomplish the purposes for
 2-43 which the district is created.

2-44 Sec. 8065.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-45 DUTIES. The district has the powers and duties provided by the
 2-46 general law of this state, including Chapters 49 and 54, Water Code,
 2-47 applicable to municipal utility districts created under Section 59,
 2-48 Article XVI, Texas Constitution.

2-49 Sec. 8065.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-50 52, Article III, Texas Constitution, the district may design,
 2-51 acquire, construct, finance, issue bonds for, improve, operate,
 2-52 maintain, and convey to this state, a county, or a municipality for
 2-53 operation and maintenance macadamized, graveled, or paved roads, or
 2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8065.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-56 road project must meet all applicable construction standards,
 2-57 zoning and subdivision requirements, and regulations of each
 2-58 municipality in whose corporate limits or extraterritorial
 2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits
 2-61 or extraterritorial jurisdiction of a municipality, the road
 2-62 project must meet all applicable construction standards,
 2-63 subdivision requirements, and regulations of each county in which
 2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the
 2-66 Texas Transportation Commission must approve the plans and
 2-67 specifications of the road project.

2-68 Sec. 8065.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

3-1 applicable requirements of any ordinance or resolution that is
3-2 adopted under Section 54.016 or 54.0165, Water Code, and that
3-3 consents to the creation of the district or to the inclusion of land
3-4 in the district.

3-5 Sec. 8065.0306. DIVISION OF DISTRICT. (a) The district may
3-6 be divided into two or more new districts only if the district:

3-7 (1) has no outstanding bonded debt; and

3-8 (2) is not imposing ad valorem taxes.

3-9 (b) This chapter applies to any new district created by the
3-10 division of the district, and a new district has all the powers and
3-11 duties of the district.

3-12 (c) Any new district created by the division of the district
3-13 may not, at the time the new district is created, contain any land
3-14 outside the area described by Section 2 of the Act enacting this
3-15 chapter.

3-16 (d) The board, on its own motion or on receipt of a petition
3-17 signed by the owner or owners of a majority of the assessed value of
3-18 the real property in the district, may adopt an order dividing the
3-19 district.

3-20 (e) The board may adopt an order dividing the district
3-21 before or after the date the board holds an election under Section
3-22 8065.0103 to confirm the creation of the district.

3-23 (f) An order dividing the district shall:

3-24 (1) name each new district;

3-25 (2) include the metes and bounds description of the
3-26 territory of each new district;

3-27 (3) appoint temporary directors for each new district;

3-28 and

3-29 (4) provide for the division of assets and liabilities
3-30 between or among the new districts.

3-31 (g) On or before the 30th day after the date of adoption of
3-32 an order dividing the district, the district shall file the order
3-33 with the commission and record the order in the real property
3-34 records of each county in which the district is located.

3-35 (h) Any new district created by the division of the district
3-36 shall hold a confirmation and directors' election as required by
3-37 Section 8065.0103.

3-38 (i) If the creation of the new district is confirmed, the
3-39 new district shall provide the election date and results to the
3-40 commission.

3-41 (j) Any new district created by the division of the district
3-42 must hold an election as required by this chapter to obtain voter
3-43 approval before the district may impose a maintenance tax or issue
3-44 bonds payable wholly or partly from ad valorem taxes.

3-45 (k) If the voters of a new district do not confirm the
3-46 creation of the new district, the assets, obligations, territory,
3-47 and governance of the new district revert to that of the original
3-48 district.

3-49 Sec. 8065.0307. LIMITATION ON USE OF EMINENT DOMAIN. The
3-50 district may not exercise the power of eminent domain outside the
3-51 district to acquire a site or easement for:

3-52 (1) a road project authorized by Section 8065.0303; or

3-53 (2) a recreational facility as defined by Section
3-54 49.462, Water Code.

3-55 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-56 Sec. 8065.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-57 The district may issue, without an election, bonds and other
3-58 obligations secured by:

3-59 (1) revenue other than ad valorem taxes; or

3-60 (2) contract payments described by Section 8065.0403.

3-61 (b) The district must hold an election in the manner
3-62 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-63 before the district may impose an ad valorem tax or issue bonds
3-64 payable from ad valorem taxes.

3-65 (c) The district may not issue bonds payable from ad valorem
3-66 taxes to finance a road project unless the issuance is approved by a
3-67 vote of a two-thirds majority of the district voters voting at an
3-68 election held for that purpose.

3-69 Sec. 8065.0402. OPERATION AND MAINTENANCE TAX. (a) If

4-1 authorized at an election held under Section 8065.0401, the
4-2 district may impose an operation and maintenance tax on taxable
4-3 property in the district in accordance with Section 49.107, Water
4-4 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. 8065.0403. 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. 8065.0501. 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. 8065.0502. 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. 8065.0503. 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 Montgomery County Municipal Utility District
4-35 No. 167 initially includes all the territory contained in the
4-36 following area:

4-37 BEING 242.128 ACRES OF LAND, MORE OR LESS, WITH 74.18 ACRES SITUATED
4-38 IN THE THOMAS DOUGLAS SURVEY, ABSTRACT NUMBER 187 AND 167.88 ACRES
4-39 SITUATED IN THE MATTHEW CARTWRIGHT SURVEY, ABSTRACT NUMBER 126, ALL
4-40 IN MONTGOMERY COUNTY, TEXAS AND BEING OUT OF THAT CERTAIN CALLED
4-41 249.943 ACRE TRACT CONVEYED IN SPECIAL WARRANTY DEED TO AVANTI
4-42 2854, LLC, RECORDED UNDER CLERK'S FILE NUMBER 2017006860 OFFICIAL
4-43 PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, TOGETHER WITH THAT
4-44 CERTAIN CALLED 0.4658 ACRE TRACT CONVEYED TO AVANTI 2854, LLC,
4-45 RECORDED UNDER CLERK'S FILE NUMBER 2018092894 OFFICIAL PUBLIC
4-46 RECORDS OF MONTGOMERY COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN
4-47 CALLED 8.341 ACRE TRACT AS CONVEYED BY AVANTI 2854, LLC TO
4-48 MONTGOMERY COUNTY, TEXAS, A POLITICAL SUBDIVISION OF THE STATE OF
4-49 TEXAS, RECORDED IN EXCHANGE DEED UNDER CLERK'S FILE NUMBER
4-50 2018092878 OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS;
4-51 SAID 242.128 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS
4-52 WITH ALL BEARINGS AND COORDINATES REFERENCED TO THE TEXAS
4-53 COORDINATE SYSTEM, CENTRAL ZONE 4203 NAD-83, ALL COORDINATES SHOWN
4-54 ARE GRID AND MAY BE CONVERTED TO SURFACE BY MULTIPLYING BY THE
4-55 COMBINED ADJUSTMENT FACTOR OF 1.00061987:

4-56 BEGINNING at the lower Northwest corner of the called 249.943 acre
4-57 tract located at the intersection of the South right-of-way of
4-58 Katie Road, a variable width right-of-way designated as a "County
4-59 Road" (no deed found), with the East right-of-way of F. M. Highway
4-60 2854, a variable width right-of-way as referenced in Deed from J. H.
4-61 Talley to the County of Montgomery, State of Texas and recorded in
4-62 Volume 716, Page 132 Montgomery County Deed Records; said point
4-63 having a coordinate value of North 10,114,844.41 and East
4-64 3,774,584.72;

4-65 THENCE North 87° 21' 23" East for a distance of 1209.36 feet along
4-66 the lower North line of the called 249.943 acre tract and South line
4-67 of Katie Road to an interior Northwest corner of the herein
4-68 described tract and further located at the East line of the Thomas
4-69 Douglas Survey and the West line of the Matthew Cartwright Survey;

5-1 THENCE North 03° 25' 54" West along the upper West line of the called
5-2 249.943 acre tract, continuing along the East line of the Thomas
5-3 Douglas Survey and the West line of the Matthew Cartwright Survey
5-4 passing the North line of Katie Road and the Southeast corner of
5-5 that certain called 13.38 acre tract conveyed to Ronald G.
5-6 McCracken and spouse, Laura J. McCracken recorded under Clerk's
5-7 File Number 2006-077430 Montgomery County Real Property Records,
5-8 continuing a deed call distance of 1334.52 feet to the 13.38 acre
5-9 tract Northeast corner and being an angle point of the herein
5-10 described tract at an upper Southeast corner of that certain called
5-11 16.027 acre tract conveyed to Ronald G. McCracken, et ux, recorded
5-12 under Clerk's File Number 2007-0573 Montgomery County Real Property
5-13 Records;
5-14 THENCE North 02° 04' 38" West for a distance of 260.11 feet
5-15 continuing along the East line of the Thomas Douglas Survey and the
5-16 West line of the Matthew Cartwright Survey, common to the upper East
5-17 line of the called 16.027 acre tract, to the upper Northwest corner
5-18 of the herein described tract and the upper Northwest corner of the
5-19 called 249.943 acre tract, and located at the Southwest corner of
5-20 that certain called 85.194 acre tract conveyed to the Estate of Carl
5-21 A. Sudbury, et al to Martha D. Mayer, Trustee, recorded under
5-22 Clerk's File Number 2000-003039 Montgomery County Real Property
5-23 Records
5-24 THENCE North 86° 44' 51" East along the South line of the called
5-25 85.194 acre tract for a distance of 1570.87 feet to a point for
5-26 angle at the called 85.194 acre tract Southeast corner and a
5-27 Southwest corner of a called 207 acre tract conveyed to Jasper
5-28 Duncan Cartwright and recorded in Volume 626, Page 86 Montgomery
5-29 County Deed Records;
5-30 THENCE North 73° 43' 03" East along the South line of the called 207
5-31 acre tract for a distance of 673.34 feet to a point for the
5-32 Northeast corner of the herein described tract located in the
5-33 Westerly high-bank of Mound Creek;
5-34 THENCE with the following courses and distances along the Westerly
5-35 high-bank of Mound Creek:
5-36 1) South 34° 16' 12" East for a distance of 44.50 feet to a point
5-37 for corner;
5-38 2) South 67° 14' 09" East for a distance of 51.81 feet to a point
5-39 for corner;
5-40 3) South 54° 16' 20" East for a distance of 22.71 feet to a point
5-41 for corner;
5-42 4) South 14° 59' 12" West for a distance of 33.77 feet to a point
5-43 for corner/;
5-44 5) South 49° 10' 18" East for a distance of 21.62 feet to a point
5-45 for corner;
5-46 6) South 08° 50' 45" East for a distance of 32.07 feet to a point
5-47 for corner;
5-48 7) South 14° 29' 14" West for a distance of 59.23 feet to a point
5-49 for corner;
5-50 8) South 19° 56' 34" East for a distance of 59.05 feet to a point
5-51 for corner;
5-52 9) South 06° 16' 39" East for a distance of 90.94 feet to a point
5-53 for corner;
5-54 10) South 11° 21' 07" East for a distance of 38.72 feet to a point
5-55 for corner;
5-56 11) South 32° 51' 33" East for a distance of 103.15 feet to a point
5-57 for corner;
5-58 12) South 31° 08' 48" East for a distance of 111.54 feet to a point
5-59 for corner;
5-60 13) South 67° 19' 47" East for a distance of 37.51 feet to a point
5-61 for corner;
5-62 14) South 39° 35' 32" East for a distance of 31.28 feet to a point
5-63 for corner;
5-64 15) South 27° 22' 39" East for a distance of 173.85 feet to a point
5-65 for corner;
5-66 16) South 00° 37' 47" East for a distance of 35.63 feet to a point
5-67 for corner;
5-68 17) South 26° 43' 57" East for a distance of 34.32 feet to a point
5-69 for corner;

6-1 18) South 49° 57' 22" East for a distance of 106.17 feet to a point
6-2 for corner;
6-3 19) South 43° 57' 10" East for a distance of 174.91 feet to a point
6-4 for corner;
6-5 20) South 00° 25' 37" East for a distance of 255.88 feet to a point
6-6 for corner;
6-7 21) South 23° 28' 27" E for a distance of 14.24 feet to a point
6-8 THENCE South 86° 19' 53" West for a distance of 82.61 feet along the
6-9 West line of the aforesaid called 207 acre tract to an interior
6-10 corner of the herein described tract;
6-11 THENCE South 03° 16' 56" East for a distance of 1398.16 feet
6-12 continuing along the West line of the called 207 acre tract to a
6-13 point for the upper Southeast corner of the herein described tract
6-14 and Southeast corner of the called 249.943 acre tract and being in
6-15 the North line of that certain called 75 acre tract conveyed to
6-16 Jasper Duncan Cartwright in Deed recorded in Volume 626, Page 509
6-17 Montgomery County Deed Records;
6-18 THENCE South 86° 41' 48" West for a distance of 1041.81 feet along
6-19 the Cartwright North line to an interior corner of the herein
6-20 described tract
6-21 THENCE South 12° 01' 56" East for a distance of 329.46 feet to a
6-22 Southeast corner of the herein described tract at an interior
6-23 corner of the called 75 acre tract;
6-24 THENCE South 87° 26' 11" West for a distance of 1692.85 feet along
6-25 the Westerly North line of the called 75 acre tract to a Northwest
6-26 corner of the called 75 acre tract at an interior corner of the
6-27 herein described tract;
6-28 THENCE South 06° 29' 00" E for a distance of 354.36 feet along the
6-29 West line of the called 75 acre tract to the Southwest corner of the
6-30 called 74 acre tract and being an interior corner of the herein
6-31 described tract;
6-32 THENCE North 87° 41' 38" East for a distance of 144.44 feet to a
6-33 lower Northeast corner of the herein described tract and being a
6-34 Northwest corner of that certain called 98.2 acre tract conveyed to
6-35 Patricia Joe Schuller in Deed recorded in Volume 626, Page 78
6-36 Montgomery County Deed Records;
6-37 THENCE South 03° 16' 52" East along the West line of the called 98.2
6-38 acre tract and the West line of a called 9.0054 acre tract conveyed
6-39 to James Michael Brown recorded under Clerk's File Number 9703943
6-40 Montgomery County Real Property Records; in all, a distance of
6-41 1900.40 feet to the Southeast corner of the herein described tract;
6-42 THENCE South 87° 11' 56" West along the North line of that certain
6-43 called 5.435 acre tract conveyed to Patricia S. Smith recorded
6-44 under Clerk's File Number 9346082 Montgomery County Real Property
6-45 Records, and along the North line of that certain called 1.000 acre
6-46 tract conveyed to Barnie E. Edwards recorded under Clerk's File
6-47 Number 8213103 Montgomery County Real Property Records for a
6-48 distance of 559.03 feet to the Southwest corner of the herein
6-49 described tract, located in the East line of F. M. 2854;
6-50 THENCE with the following courses and distances along the East line
6-51 of F. M. 2854 and the West line of the called 249.943 acre tract as
6-52 follows:
6-53 1) North 36° 18' 16" West for a distance of 246.29 feet to a point
6-54 for corner;
6-55 2) North 28° 02' 36" West for a distance of 577.02 feet to the
6-56 beginning of a non-tangential curve to the right;
6-57 3) Along said curve turning to the right through an angle of 13° 16'
6-58 17", having a radius of 2804.83 feet, an arc length of 649.68 feet
6-59 and whose long chord bears North 21° 15' 04" West for a distance of
6-60 648.23 feet to a point of intersection with a non-tangential line;
6-61 4) North 08° 21' 11" West for a distance of 286.54 feet to a point
6-62 for corner at the Southwest corner of the aforementioned called
6-63 8.341 acre tract;
6-64 THENCE with the following courses and distances along the called
6-65 8.341 acre tract:
6-66 1) North 38° 33' 59" East for a distance of 79.38 feet to a point
6-67 for corner;
6-68 2) North 85° 41' 19" East for a distance of 431.79 feet to the
6-69 beginning of a curve to the left;

- 7-1 3) With said curve turning to the left through an angle of 90° 00'
- 7-2 00", having a radius of 201.00 feet, an arc length of 315.73 feet
- 7-3 and whose long chord bears North 40° 41' 19" East for a distance of
- 7-4 284.26 feet to a point for corner;
- 7-5 4) North 04° 18' 41" West for a distance of 148.00 feet to the
- 7-6 beginning of a curve to the left;
- 7-7 5) Along said curve turning to the left through an angle of 90° 00'
- 7-8 00", having a radius of 201.00 feet, an arc length of 315.73 feet
- 7-9 and whose long chord bears North 49° 18' 41" West for a distance of
- 7-10 284.26 feet;
- 7-11 6) South 85° 41' 19" West for a distance of 433.95 feet to a point
- 7-12 for corner;
- 7-13 7) North 50° 06' 44" West for a distance of 71.76 feet to a point
- 7-14 for corner in the East line of F. M. 2854;

7-15 THENCE with the following courses and distances along the East line
7-16 of F. M. 2854 and the West line of the called 249.943 acre tract as
7-17 follows:

- 7-18 1) North 05° 14' 58" West for a distance of 129.46 feet to a point
- 7-19 for corner;
- 7-20 2) North 07° 34' 43" West for a distance of 190.26 feet to a point
- 7-21 for corner;
- 7-22 3) North 11° 52' 28" West for a distance of 584.29 feet to the
- 7-23 beginning of a non-tangential curve to the left;
- 7-24 4) Along said curve turning to the left through 03° 40' 20", having
- 7-25 a radius of 5809.65 feet, an arc length of 372.36 feet and whose
- 7-26 long chord bears North 16° 15' 44" West for a distance of 372.30 feet
- 7-27 to the Point of Beginning and containing a calculated area of
- 7-28 242.128 acres.

7-29 SECTION 3. (a) The legal notice of the intention to
7-30 introduce this Act, setting forth the general substance of this
7-31 Act, has been published as provided by law, and the notice and a
7-32 copy of this Act have been furnished to all persons, agencies,
7-33 officials, or entities to which they are required to be furnished
7-34 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7-35 Government Code.

7-36 (b) The governor, one of the required recipients, has
7-37 submitted the notice and Act to the Texas Commission on
7-38 Environmental Quality.

7-39 (c) The Texas Commission on Environmental Quality has filed
7-40 its recommendations relating to this Act with the governor, the
7-41 lieutenant governor, and the speaker of the house of
7-42 representatives within the required time.

7-43 (d) All requirements of the constitution and laws of this
7-44 state and the rules and procedures of the legislature with respect
7-45 to the notice, introduction, and passage of this Act are fulfilled
7-46 and accomplished.

7-47 SECTION 4. (a) Section 8065.0307, Special District Local
7-48 Laws Code, as added by Section 1 of this Act, takes effect only if
7-49 this Act receives a two-thirds vote of all the members elected to
7-50 each house.

7-51 (b) If this Act does not receive a two-thirds vote of all the
7-52 members elected to each house, Subchapter C, Chapter 8065, Special
7-53 District Local Laws Code, as added by Section 1 of this Act, is
7-54 amended by adding Section 8065.0307 to read as follows:

7-55 Sec. 8065.0307. NO EMINENT DOMAIN POWER. The district may
7-56 not exercise the power of eminent domain.

7-57 (c) This section is not intended to be an expression of a
7-58 legislative interpretation of the requirements of Section 17(c),
7-59 Article I, Texas Constitution.

7-60 SECTION 5. This Act takes effect immediately if it receives
7-61 a vote of two-thirds of all the members elected to each house, as
7-62 provided by Section 39, Article III, Texas Constitution. If this
7-63 Act does not receive the vote necessary for immediate effect, this
7-64 Act takes effect September 1, 2019.