

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 235; 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 8040 to read as follows:

CHAPTER 8040. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 235

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8040.0101. 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. 235.

Sec. 8040.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8040.0103. CONFIRMATION AND DIRECTOR 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. 8040.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8040.0103 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. 8040.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16 Sec. 8040.0106. 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. 8040.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8040.0202, directors
6 serve staggered four-year terms.

7 Sec. 8040.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Ali McDonald;

10 (2) Tyler Werlein;

11 (3) Rachel Maybray;

12 (4) Steven Hallmark; and

13 (5) Timothy Hart.

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

15 (1) the date permanent directors are elected under
16 Section 8040.0103; or

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

19 (c) If permanent directors have not been elected under
20 Section 8040.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8040.0103; or

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8040.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8040.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8040.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8040.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

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

9 Sec. 8040.0305. COMPLIANCE WITH MUNICIPAL CONSENT
10 ORDINANCE OR RESOLUTION. The district shall comply with all
11 applicable requirements of any ordinance or resolution that is
12 adopted under Section 54.016 or 54.0165, Water Code, and that
13 consents to the creation of the district or to the inclusion of land
14 in the district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8040.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
17 The district may issue, without an election, bonds and other
18 obligations secured by:

- 19 (1) revenue other than ad valorem taxes; or
20 (2) contract payments described by Section 8040.0403.

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

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

1 election held for that purpose.

2 Sec. 8040.0402. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8040.0401, the
4 district may impose an operation and maintenance tax on taxable
5 property in the district in accordance with Section 49.107, Water
6 Code.

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

9 Sec. 8040.0403. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

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

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8040.0501. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, contract payments, grants, or other district money, or any
23 combination of those sources, to pay for any authorized district
24 purpose.

25 Sec. 8040.0502. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

4 Sec. 8040.0503. BONDS FOR ROAD PROJECTS. At the time of
5 issuance, the total principal amount of bonds or other obligations
6 issued or incurred to finance road projects and payable from ad
7 valorem taxes may not exceed one-fourth of the assessed value of the
8 real property in the district.

9 SECTION 2. The Fort Bend County Municipal Utility District
10 No. 235 initially includes all the territory contained in the
11 following area:

12 TRACT 1 - 163.9340 ACRES

13 Fieldnotes for 163.9340 acres of land out of the L. E. Cross
14 Survey, Abstract No. 408, and the Fred G. Schmidt Survey, Abstract
15 No. 461, in Fort Bend County, Texas, consisting of the residue of
16 that certain (called) 100 acre tract of land and the residue of that
17 certain (called) 74.25 acre tract of land conveyed to the Melvin
18 Miller Family Partnership, Ltd., as described in deeds recorded
19 under County Clerk's File No(s). 9819938 and 2000039359,
20 respectively, of the Real Property Records of Fort Bend County,
21 said 100 acre tract being out of and a part of Lot 79 and said 74.25
22 acre tract being out of and a part of Lot 17 of the Slavin & George
23 Subdivision, the map or plat thereof recorded in Volume 64, Page 253
24 of the Deed Records of Fort Bend County, and being that same
25 163.9340 acre tract of land conveyed to Tala Properties, Inc., as
26 described in deed recorded under County Clerk's File No. 2006122716
27 of the said Real Property Records, said 163.9340 acres of land being

1 more particularly described by metes and bounds, with all bearings
2 based on and oriented to the Southeast line of Lots 72, 76, 78, and
3 80 of said Slavin & George subdivision (South 45° West), as follows:

4 BEGINNING at a 1 inch galvanized steel pipe set in the North
5 line of Randon School Road, based on a 60 foot right-of-way (as
6 occupied on the ground), at its intersection with the West line of
7 Muegge Road, based on a 60 foot right-of-way (as occupied on the
8 ground), said point being the Southeast corner of the residue of the
9 said 100 acre tract and said Lot 79, and the Southeast corner of the
10 said 163.9340 acre tract and the herein described tract;

11 Thence, South 83°46'38" West, 2290.54 feet with the North line
12 of said Randon School Road to a 5/8 inch steel rod set in the West
13 line of the said L.E. Cross Survey and said Lot 17, and the common
14 East line of the said Fred G. Schmidt Survey and said Lot 79 for an
15 exterior ell corner of the herein described tract, said point also
16 being the Southeast corner of that certain 5.0 acre tract of land
17 conveyed to Brett Miller, as described in deed recorded under
18 County Clerk's File No. 2017106888 of the said Real Property
19 Records;

20 Thence, North 06°13'22" West, 589.30 feet with the East line
21 of the said 5.0 acre tract, the said Schmidt Survey and said Lot 17,
22 and with the common West line of the said Cross Survey and said Lot
23 79 to a 5/8 inch steel rod set for the Northeast corner of the said
24 5.0 acre tract and an interior ell corner of the herein described
25 tract;

26 Thence, South 83°46'38" West, 369.59 feet with the North line
27 of the said 5.0 acre tract to a 5/8 inch steel rod set for the

1 Northwest corner of the said 5.0 acre tract and an interior ell
2 corner of the herein described tract;

3 Thence, South 06°13'22" East, 589.30 feet with the West line
4 of the said 5.0 acre tract to a 5/8 inch steel rod set in the North
5 line of said Randon School Road for the Southwest corner of the said
6 5.0 acre tract and an exterior ell corner for the herein described
7 tract;

8 Thence, South 83°46'38" West, 953.44 feet with the North line
9 of said Randon School Road to a 5/8 inch steel rod set in the West
10 line of the said 74.25 acre tract and said Lot 17 for the Southwest
11 corner of the herein described tract, said point being in the East
12 line of adjacent Lot 18 of the said Slavin & George Subdivision and
13 that certain 40.5148 acre tract of land conveyed to Guadalupe A.
14 Cortez, as evidenced by instrument recorded under County Clerk's
15 File No. 2011122445 of the said Real Property Records;

16 Thence, North 06°09'30" West, 2609.04 feet with the East line
17 of the said 138.6472 acre tract and said Lot 18, and with the common
18 West line of the said 74.25 acre tract and said Lot 17 to a 1/2 inch
19 steel rod found marking the Northwest corner of the said 74.25 acre
20 tract, said Lot 17 and the herein described tract, said point being
21 the Northeast corner of the said 138.6472 acre tract and said Lot
22 18, said point being the Southeast corner of adjacent Lot 15 and the
23 Southwest corner of adjacent Lot 16 of the said Slavin & George
24 Subdivision, said point also being in the South line of that certain
25 191.02 acre tract of land conveyed to 230 Limited, as described in
26 deed recorded under County Clerk's File No. 2015048322 of the said
27 Real Property Records;

1 Thence, North 83°47'30" East with the South line of the said
2 191.02 acre tract and said Lot 16 and the common North line of the
3 said 74.25 acre tract and said Lot 17, at 633.95 feet passing the
4 Southeast corner of the said 191.02 acre tract and the Southwest
5 corner of that certain 20.00 acre tract of land conveyed to Sako
6 Properties, L.P., as described in deed recorded under County
7 Clerk's File No. 2006082946 of the said Real Property Records, at
8 976.95 feet passing the Southeast corner of the said 20.00 acre
9 tract and the Southwest corner of that certain 20.00 acre tract of
10 land conveyed to Sako Properties, L.P., as described in deed
11 recorded under County Clerk's File No. 2004133973 of the said Real
12 Property Records, and continuing in all, a total distance of
13 1320.09 feet to a 5/8 inch steel rod with cap (stamped "Kalkomey")
14 found marking the Northeast corner of the said 74.25 acre tract and
15 said Lot 17 and the most Northerly Northeast corner of the herein
16 described tract, said point being the Southeast corner of the said
17 20.00 acre tract and said Lot 16, said point also being in the West
18 line of that certain 12.101 acre tract of land conveyed to Martin F.
19 Munoz and Leticia Munoz, and described as "Tract 14B-1" in deed
20 recorded under County Clerk's File No. 2013135686 of the said Real
21 Property Records, from which point, a 5/8 inch steel rod found in
22 the South line of State Highway 90A, bears North 06°13'23" West,
23 2538.8 feet;

24 Thence, South 06°13'23" East, 722.48 feet with the West line
25 of the said 12.101 acre tract and the East line of the said 74.25
26 acre tract and said Lot 17 to a point for the Northwest corner of the
27 aforesaid 100 acre tract and said Lot 79, being an interior ell

1 corner of the herein described tract, said point also being the
2 Southwest corner of the said 12.101 acre tract, from which point, a
3 found 5/8 inch steel rod bears North 84°01' East, 0.38 feet;

4 Thence, North 84°01'28" East with the South line of the said
5 12.101 acre tract and the North line of the said 100 acre tract and
6 said Lot 79, at 572.95 feet passing the Southeast corner of the said
7 12.101 acre tract and the common Southwest corner of that certain
8 2.403 acre tract of land described as a 60 Foot Wide Private Road
9 and Utility Easement in deed recorded under County Clerk's File
10 No. 2013135686 of the said Real Property Records, and continuing
11 with the South line of the said 2.403 acre tract in all, a total
12 distance of 1651.69 feet to a 5/8 inch steel rod set for an exterior
13 ell corner of the herein described tract, said point being the
14 Northwest corner of that certain 9.3877 acre tract of land conveyed
15 to Angela J. Wells, as described in deed recorded under County
16 Clerk's File No. 2018020973 of the said Real Property Records;

17 Thence, South 05°58'32" East, 629.31 feet with the West line
18 of the said 9.3877 acre tract to a 5/8 inch steel rod set for the
19 Southwest corner of the said 9.3877 acre tract and an interior ell
20 corner of the herein described tract;

21 Thence, North 84°01'28" East, 649.23 feet with the South line
22 of the said 9.3877 acre tract to a 5/8 inch steel rod set in the West
23 line of said Muegge Road for the Southeast corner of the said 9.3877
24 acre tract and the most Easterly Northeast corner of the herein
25 described tract;

26 Thence, South 05°52'20" East, 1247.00 feet with the West line
27 of said Muegge Road to the PLACE OF BEGINNING and containing

1 163.9340 acres or 7,140,966 square feet of land, more or less.

2 This description is based on the land title survey and plat
3 (Job No. 18-15072A) made under the direction of James H. Thomas,
4 Registered Professional Land Surveyor on May 10, 2006 and
5 re-surveyed on December 6, 2018.

6 TRACT 2 - 200.0928 ACRES

7 Fieldnotes for 200.0928 acres of land out of the L. E. Cross
8 Survey, Abstract No. 408, in Fort Bend County, Texas, consisting of
9 the residue of that certain (called) 112.85 acre tract of land and
10 that certain (called) 90.9 acre tract of land conveyed to the Melvin
11 Miller Family Partnership, Ltd., as described in deed recorded
12 under County Clerk's File No. 9819938 of the Real Property Records
13 of Fort Bend County, said 112.85 acre tract being all of Lot 76 and
14 said 90.9 acre tract being all of Lot 78 of the Slavin & George
15 Subdivision, the map or plat thereof recorded in Volume 64, Page 253
16 of the Deed Records of Fort Bend County, and being that same
17 200.0928 acre tract of land conveyed to Tala Properties, Inc., as
18 described in deed recorded under County Clerk's File No. 2006122716
19 of the said Real Property Records, said 200.0928 acres of land being
20 more particularly described by metes and bounds, with all bearings
21 based on and oriented to the Southeast line of Lots 72, 76, 78, and
22 80 of said Slavin & George subdivision (South 45° West), as follows:

23 BEGINNING at a 1 inch galvanized steel pipe set in the South
24 line of Randon School Road, based on a 60 foot right-of-way (as
25 occupied on the ground), at its intersection with the Northeast
26 line of South Miller Road, based on a 60 foot right-of-way (as
27 described by right-of-way grant recorded in Volume 437, Page 49 of

1 the said Deed Records), said point being the Northwest corner of the
2 residue of the said 112.85 acre tract and said Lot 76, the Northwest
3 corner of the said 200.0928 acre tract and the herein described
4 tract;

5 Thence, North 83°46'38" East, 4755.38 feet with the South line
6 of said Randon School Road to a 1 inch galvanized steel pipe set in
7 the Northeast line of said Lot 78 for the Northeast corner of the
8 herein described tract, said point being in the East line of Muegge
9 Road, based on a 60 foot right-of-way (as occupied on the ground),
10 and being in the common Southwest line of adjacent Lot 80 of said
11 Slavin & George Subdivision, said point also being the apparent
12 Southwest corner of that certain 5.0 acre tract of land conveyed to
13 Albert F. Andel, as described in deed recorded under County Clerk's
14 File No. 2006147834 of the said Real Property Records;

15 Thence, South 44°49'46" East with the Southwest line of said
16 Lot 80 and the said 5.0 acre tract and with the common Northeast
17 line of the said 90.9 acre tract and said Lot 78, at 518.34 feet
18 passing the Southeast corner of the said 5.0 acre tract and the
19 Southwest corner of the residue of that certain 5.219 acre tract of
20 land conveyed to Maria B. Sanchez, as described in deed recorded
21 under County Clerk's File No. 9631930 of the said Real Property
22 Records, and continuing with the Southwest line of the said 5.219
23 acre tract, at 710.38 feet passing the Southeast corner of the said
24 residue tract and the Southwest corner of that certain 2.61 acre
25 tract of land conveyed to Petra Aguillon, as described in deed
26 recorded under County Clerk's File No. 9871322 of the said Real
27 Property Records, and continuing with the Southwest line of the

1 said 2.61 acre tract in all, a total distance of 866.35 feet to a 5/8
2 inch steel rod set in the Southeast line of the said L.E. Cross
3 Survey for the most Easterly or Southeast corner of the said 90.9
4 acre tract, said Lot 78, and the herein described tract, said point
5 being the most Southerly corner of the said 2.61 acre tract, said
6 point also being in the Northwest line of the Charles N. Simpson
7 Survey, Abstract No. 485, and that certain 74.408 acre tract of
8 land conveyed to Gulf/Landmark 74 Venture, LP, as described in deed
9 recorded under County Clerk's File No. 2007106406 of the said Real
10 Property Records, from which point, a found 3/4 inch steel pipe
11 bears South 44°50'East, 0.4 feet and an additional found 3/4 steel
12 pipe bears North 45°00'00" East, 9.18 feet;

13 Thence, South 45°00'00" West (basis bearing) with the
14 Northwest line of the said Charles N. Simpson Survey and the said
15 74.408 acre tract and with the common Southeast line of the said
16 L.E. Cross Survey, the said 90.9 acre tract, and said Lot 78, at
17 1317.07 feet passing the most Westerly corner of the said 74.408
18 acre tract and the most Northerly corner of that certain 3.032 acre
19 tract of land conveyed to Landmark 60 Venture, LP, and described as
20 a 'proposed 100' strip for road purposes' (unimproved at the time of
21 this survey) in deed recorded under County Clerk's File
22 No. 2007023830 of the said Real Property Records, and continuing
23 with the Northwest line of the said 3.032 acre tract, at 1421.30
24 feet passing the most Westerly corner of the said 3.032 acre tract
25 and the most Northerly corner of that certain 57.779 acre tract of
26 land conveyed to Landmark 60 Venture, LP, as described in deed
27 recorded under County Clerk's File No. 2007023830 of the said Real

1 Property Records, and continuing with the Northwest line of the
2 said 57.779 acre tract, at 2222.22 feet passing the most Southerly
3 corner of said Lot 78 and the most Easterly corner of said Lot 76,
4 and continuing with the Southeast line of said Lot 76 in all, a
5 total distance of 3696.77 feet to a 5/8 inch steel rod set in the
6 Northeast line of said South Miller Road for the most Southerly
7 corner of the herein described tract, said point also being the most
8 Westerly corner of the said 57.779 acre tract, from which point, a
9 found 3/4 inch steel pipe bears South 45°00' West, 0.67 feet;

10 Thence, North 45°07'04" West, 3844.62 feet with the Northeast
11 line of said South Miller Road to the PLACE OF BEGINNING and
12 containing 200.0928 acres or 8,716,043 square feet of land, more or
13 less.

14 This description is based on the land title survey and plat
15 (Job No. 06-15072A) made under the direction of James H. Thomas,
16 Registered Professional Land Surveyor on May 10, 2006 and
17 re-surveyed on December 6, 2018.

18 TRACT 3 - 89.4655 ACRES

19 Fieldnotes for 89.4655 acres of land out of the L. E. Cross
20 Survey, Abstract No. 408, and the Lester E. Cross Survey, Abstract
21 No. 419, in Fort Bend County, Texas, being out of and a part of that
22 certain (called) 93.30 acre tract of land conveyed to Sadie Miller,
23 as described in deed recorded in Volume 405, Page 37 of the Deed
24 Records of Fort Bend County, said 93.30 acre tract being all of Lot
25 73 of the Slavin & George Subdivision, the map or plat thereof
26 recorded in Volume 64, Page 253 of the Deed Records of Fort Bend
27 County, and being that same 89.4655 acre tract of land conveyed to

1 Tala Properties, Inc., as described in deed recorded under County
2 Clerk's File No. 2006122716 of the said Real Property Records, said
3 89.4655 acres of land being more particularly described by metes
4 and bounds, with all bearings based on and oriented to the Southeast
5 line of Lots 72, 76, 78, and 80 of said Slavin & George subdivision
6 (South 45° West), as follows:

7 COMMENCING at a 1 inch galvanized steel pipe set in the South
8 line of Randon School Road, based on a 60.00 foot right-of-way (as
9 occupied on the ground), at its intersection with the Southwest
10 line of South Miller Road, based on a 60 foot right-of-way (as
11 occupied on the ground), said point being the Northeast corner of
12 the residue of Lot 74 of said Slavin & George Subdivision;

13 Thence, South 45°07'04" East, 1273.05 feet with the Southwest
14 line of said South Miller Road to a 5/8 inch steel rod set in the
15 Northwest line of the said 93.30 acre tract and said Lot 73 for the
16 most Northerly corner and PLACE OF BEGINNING of the herein
17 described tract, said point being in the Southeast line of said Lot
18 74, at the most Easterly corner of that certain 64.87 acre tract of
19 land conveyed to Miller 108 LLC, as described in deed recorded under
20 County Clerk's File No. 2012097185 of the said Real Property
21 Records, said point also being most Westerly corner of that certain
22 10 foot wide strip of land conveyed to the County of Fort Bend (for
23 road widening) as described in right-of-way grant recorded in
24 Volume 437, Page 48 of the said Deed Records, from which point, a 6
25 inch wood post bears North 44°31' East, 1.1 feet;

26 Thence, South 45°07'04" East, 1330.56 feet with the Southwest
27 line of said South Miller Road and the said 10 foot wide strip to a

1 5/8 inch steel rod set in the Southeast line of the said 93.30 acre
2 tract and said Lot 73 for the most Easterly corner of the herein
3 described tract, said point being in the Northwest line of adjacent
4 Lot 72 of the said Slavin & George Subdivision and that certain
5 116.5 acre tract of land conveyed to Cynthia Irene Price, as
6 described in deed recorded under County Clerk's File No. 2016110214
7 of the said Real Property Records;

8 Thence, South 44°29'35" West, 2928.37 feet with the Northwest
9 line of the said 116.5 acre tract and said Lot 72 and the common
10 Southeast line of the said 93.30 acre tract and said Lot 73 to a 5/8
11 inch steel rod set in the Northeast line of State Highway 36 Bypass
12 (also known as Spur 10), based on a 150 foot right-of-way, for the
13 most Southerly corner of the herein described tract, said point
14 also being the most Easterly corner of that certain 2.29 acre tract
15 of land conveyed to the County of Fort Bend as described in
16 right-of-way deed recorded under County Clerk's File No. 9002037 of
17 the said Real Property Records;

18 Thence, North 45°05'04" West, 1331.49 feet with the Northeast
19 line of said State Highway 36 Bypass and the said 2.29 acre tract to
20 a 5/8 inch steel rod set in the Southeast line of said Lot 74 for the
21 most Westerly corner of the herein described tract, said point
22 being the most Southerly corner of the said 64.87 acre tract, being
23 in the Northwest line of the said 93.30 acre tract and said Lot 73,
24 said point also being the most Northerly corner of the said 2.29
25 acre tract;

26 Thence, North 44°30'40" East, 2927.58 feet with the Southeast
27 line of the said 64.87 acre tract and said Lot 74 and the common

1 Northwest line of the said 93.30 acre tract and said Lot 73 to the
2 PLACE OF BEGINNING and containing 89.4655 acres or 3,897,118 square
3 feet of land, more or less.

4 This description is based on the land title survey and plat
5 (Job No. 06-15072A) made under the direction of James H. Thomas,
6 Registered Professional Land Surveyor on May 10, 2006, and
7 re-surveyed on December 6, 2018.

8 TRACT 4 - 74.408 ACRES

9 74.408 acres of land in the Charles N. Simpson Survey,
10 Abstract 485, in Section No. 12, H. & T. C. Railroad Company Survey,
11 Fort Bend County, Texas.

12 For connection begin at a 1 1/2-inch iron pipe found marking
13 the north corner of said Charles N. Simpson Survey, Abstract 485,
14 and Section No. 12, H. & T. C. Railroad Company Survey;

15 THENCE, South 45 deg. West, 2776.4 feet to an iron pipe set
16 for the north corner of and PLACE OF BEGINNING for this tract;

17 THENCE, South 36 deg. 42' East, 1735.16 feet along a fence
18 line marking the western line of a 115 22-acre tract to an iron pipe
19 set for the east corner of this tract;

20 THENCE, South 56 deg. 14' West, 2056.18 feet along the
21 northwest line of the G. H. S. A. Railroad along a line 50 feet
22 perpendicular distant from and parallel to centerline of said
23 railroad to an iron pipe set for the south corner of this tract;

24 THENCE, northwesterly along the northeasterly line of a
25 proposed 100 foot road with a curve to the left with the following
26 data:

27 Delta = 27 deg. 18' 57"; Radius = 2790 feet; Length =

1 1330.13; Chord = North 47 deg. 25' 28" West, 1317.57
2 feet to an iron pipe set for the west corner of this
3 tract;

4 THENCE, North 45 deg. East, 2323.0 feet along the northwest
5 line of said Charles Simpson Survey, Abstract 485 to the PLACE OF
6 BEGINNING and containing 74.408 acres land including 1.373 acres in
7 Humble Pipeline Company easement (Volume 426, Page 5; Deed
8 Records), and 0.759 acre in the Gulf Pipeline 20-foot wide easement
9 (Volume 113, Page 474; Deed Records).

10 TRACT 5 - 3.032 ACRES

11 A 3.032 acre tract being a proposed 100-foot strip for road
12 purposes in Section 12, H. & T. C. Railroad Company Survey, Abstract
13 485, C. N. Simpson Survey, Abstract 485, Fort Bend County, Texas,
14 and more particularly described by metes and bounds as follows,
15 to-wit:

16 For connection begin at a 1 1/2-inch iron pipe found marking
17 the north corner of said Section 12;

18 THENCE, South 45 deg. West, 5099.4 feet to an iron pipe set
19 for the north corner of and PLACE OF BEGINNING for this tract;

20 THENCE, southeasterly with a curve to the right with the
21 following data:

22 Delta = 27 deg. 18' 57"; Radius = 2790 feet; Length =
23 1330.13; Chord = South 47 deg. 25' 28" East, 1317.57
24 feet to an iron pipe set for the east corner of this
25 tract; said point being in the northwest line of the G.
26 H. & S. A. Railroad (100 feet wide);

27 THENCE, South 56 deg. 14 min. West, along said northwest line

1 of said railroad 100 feet to an iron pipe set for the south corner of
2 this tract;

3 THENCE, northwesterly with a curve to the left with the
4 following data:

5 Delta = 27 deg. 55' 50"; Radius = 2690 feet; Length =
6 1311.33; Chord = North 47 deg. 43' 55" West, 1298.38
7 feet to an iron pipe set for the west corner of this
8 tract;

9 THENCE, North 45 deg. East, 104.23 feet to the PLACE OF
10 BEGINNING and containing 3.032 acres of land.

11 TRACT 6 - 57.779 ACRES

12 57.779 acres of land in the W. S. Anderson Survey, Abstract
13 424, in Section No. 8, H. & T. C. Railroad Company Survey, and in
14 the Charles N. Simpson Survey, Abstract 485, in Section No. 12, H. &
15 T. C. Railroad Company Survey, Fort Bend County, Texas.

16 For connection begin at a 1 1/2-inch iron pipe found marking
17 the north corner of said Charles N. Simpson Survey, Abstract 485,
18 and Section No. 12, H. & T. C. Railroad Company Survey;

19 THENCE, South 45 deg. West, 5203.63 feet to an iron pipe set
20 for the north corner of and PLACE OF BEGINNING for this tract;

21 THENCE, southeasterly along the southeast line of a proposed
22 100 foot road with a curve to the right with the following data:

23 Delta = 27 deg. 55' 50"; Radius = 2690 feet; Length =
24 1311.33; Chord = South 47 deg. 43' 55" East, 1298.38
25 feet to an iron pipe set for the east corner of this
26 tract; said point being in the northwest line of the G.
27 H. & S. A. Railroad (100 feet wide);

1 THENCE, South 56 deg. 14 West, 2380.91 feet along said
2 northwest line of the G. H. & S. A. Railroad along a line 50 feet
3 perpendicular distant from and parallel to the centerline of said
4 railroad to an iron pipe set for the south corner of this tract;

5 THENCE, North 45 deg. 08' 30" West, 833.1 feet along the
6 northeast line of Miller Road (60 feet wide), to an iron pipe set
7 for the west corner of this tract;

8 THENCE, North 45 deg. East, 2275.47 feet along the northwest
9 line of said W. S. Anderson Survey, Abstract 424, and Charles N.
10 Simpson Survey, Abstract 485, to the PLACE OF BEGINNING and
11 containing 57.779 acres of land.

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

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the Texas Commission on
21 Environmental Quality.

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

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 4. (a) If this Act does not receive a two-thirds
4 vote of all the members elected to each house, Subchapter C, Chapter
5 8040, Special District Local Laws Code, as added by Section 1 of
6 this Act, is amended by adding Section 8040.0306 to read as follows:

7 Sec. 8040.0306. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3122 was passed by the House on April 12, 2019, by the following vote: Yeas 138, Nays 5, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3122 was passed by the Senate on May 10, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor