

1-1 By: Zerwas (Senate Sponsor - Kolthorst) H.B. No. 3122
 1-2 (In the Senate - Received from the House April 15, 2019;
 1-3 April 16, 2019, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 6, 2019, reported favorably by
 1-5 the following vote: Yeas 7, Nays 0; May 6, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Schwertner	X			
1-9 Alvarado	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Menéndez	X			
1-13 Nichols	X			

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

1-17 relating to the creation of the Fort Bend County Municipal Utility
 1-18 District No. 235; 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 8040 to read as follows:

1-24 CHAPTER 8040. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 235
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8040.0101. 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 Fort Bend County Municipal
 1-32 Utility District No. 235.

1-33 Sec. 8040.0102. 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. 8040.0103. 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. 8040.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section
 1-42 8040.0103 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. 8040.0105. 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. 8040.0106. 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. 8040.0201. 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 8040.0202, directors
 2-11 serve staggered four-year terms.

2-12 Sec. 8040.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-13 board consists of:

- 2-14 (1) Ali McDonald;
- 2-15 (2) Tyler Werlein;
- 2-16 (3) Rachel Maybray;
- 2-17 (4) Steven Hallmark; and
- 2-18 (5) Timothy Hart.

2-19 (b) Temporary directors serve until the earlier of:
 2-20 (1) the date permanent directors are elected under
 2-21 Section 8040.0103; 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 8040.0103 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 8040.0103; 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. 8040.0301. 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. 8040.0302. 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. 8040.0303. 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. 8040.0304. 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. 8040.0305. 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 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 8040.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3-7 The district may issue, without an election, bonds and other
3-8 obligations secured by:

3-9 (1) revenue other than ad valorem taxes; or

3-10 (2) contract payments described by Section 8040.0403.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 8040.0402. OPERATION AND MAINTENANCE TAX. (a) If

3-20 authorized at an election held under Section 8040.0401, the
3-21 district may impose an operation and maintenance tax on taxable
3-22 property in the district in accordance with Section 49.107, Water
3-23 Code.

3-24 (b) The board shall determine the tax rate. The rate may not
3-25 exceed the rate approved at the election.

3-26 Sec. 8040.0403. CONTRACT TAXES. (a) In accordance with

3-27 Section 49.108, Water Code, the district may impose a tax other than
3-28 an operation and maintenance tax and use the revenue derived from
3-29 the tax to make payments under a contract after the provisions of
3-30 the contract have been approved by a majority of the district voters
3-31 voting at an election held for that purpose.

3-32 (b) A contract approved by the district voters may contain a
3-33 provision stating that the contract may be modified or amended by
3-34 the board without further voter approval.

3-35 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-36 Sec. 8040.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-37 OBLIGATIONS. The district may issue bonds or other obligations
3-38 payable wholly or partly from ad valorem taxes, impact fees,
3-39 revenue, contract payments, grants, or other district money, or any
3-40 combination of those sources, to pay for any authorized district
3-41 purpose.

3-42 Sec. 8040.0502. TAXES FOR BONDS. At the time the district
3-43 issues bonds payable wholly or partly from ad valorem taxes, the
3-44 board shall provide for the annual imposition of a continuing
3-45 direct ad valorem tax, without limit as to rate or amount, while all
3-46 or part of the bonds are outstanding as required and in the manner
3-47 provided by Sections 54.601 and 54.602, Water Code.

3-48 Sec. 8040.0503. BONDS FOR ROAD PROJECTS. At the time of
3-49 issuance, the total principal amount of bonds or other obligations
3-50 issued or incurred to finance road projects and payable from ad
3-51 valorem taxes may not exceed one-fourth of the assessed value of the
3-52 real property in the district.

3-53 SECTION 2. The Fort Bend County Municipal Utility District
3-54 No. 235 initially includes all the territory contained in the
3-55 following area:

3-56 TRACT 1 - 163.9340 ACRES

3-57 Fieldnotes for 163.9340 acres of land out of the L. E. Cross
3-58 Survey, Abstract No. 408, and the Fred G. Schmidt Survey, Abstract
3-59 No. 461, in Fort Bend County, Texas, consisting of the residue of
3-60 that certain (called) 100 acre tract of land and the residue of that
3-61 certain (called) 74.25 acre tract of land conveyed to the Melvin
3-62 Miller Family Partnership, Ltd., as described in deeds recorded
3-63 under County Clerk's File No(s). 9819938 and 2000039359,
3-64 respectively, of the Real Property Records of Fort Bend County,
3-65 said 100 acre tract being out of and a part of Lot 79 and said 74.25
3-66 acre tract being out of and a part of Lot 17 of the Slavin & George
3-67 Subdivision, the map or plat thereof recorded in Volume 64, Page 253
3-68 of the Deed Records of Fort Bend County, and being that same
3-69 163.9340 acre tract of land conveyed to Tala Properties, Inc., as

4-1 described in deed recorded under County Clerk's File No. 2006122716
4-2 of the said Real Property Records, said 163.9340 acres of land being
4-3 more particularly described by metes and bounds, with all bearings
4-4 based on and oriented to the Southeast line of Lots 72, 76, 78, and
4-5 80 of said Slavin & George subdivision (South 45° West), as follows:

4-6 BEGINNING at a 1 inch galvanized steel pipe set in the North
4-7 line of Randon School Road, based on a 60 foot right-of-way (as
4-8 occupied on the ground), at its intersection with the West line of
4-9 Muegge Road, based on a 60 foot right-of-way (as occupied on the
4-10 ground), said point being the Southeast corner of the residue of the
4-11 said 100 acre tract and said Lot 79, and the Southeast corner of the
4-12 said 163.9340 acre tract and the herein described tract;

4-13 Thence, South 83°46'38" West, 2290.54 feet with the North line
4-14 of said Randon School Road to a 5/8 inch steel rod set in the West
4-15 line of the said L.E. Cross Survey and said Lot 17, and the common
4-16 East line of the said Fred G. Schmidt Survey and said Lot 79 for an
4-17 exterior ell corner of the herein described tract, said point also
4-18 being the Southeast corner of that certain 5.0 acre tract of land
4-19 conveyed to Brett Miller, as described in deed recorded under
4-20 County Clerk's File No. 2017106888 of the said Real Property
4-21 Records;

4-22 Thence, North 06°13'22" West, 589.30 feet with the East line
4-23 of the said 5.0 acre tract, the said Schmidt Survey and said Lot 17,
4-24 and with the common West line of the said Cross Survey and said Lot
4-25 79 to a 5/8 inch steel rod set for the Northeast corner of the said
4-26 5.0 acre tract and an interior ell corner of the herein described
4-27 tract;

4-28 Thence, South 83°46'38" West, 369.59 feet with the North line
4-29 of the said 5.0 acre tract to a 5/8 inch steel rod set for the
4-30 Northwest corner of the said 5.0 acre tract and an interior ell
4-31 corner of the herein described tract;

4-32 Thence, South 06°13'22" East, 589.30 feet with the West line
4-33 of the said 5.0 acre tract to a 5/8 inch steel rod set in the North
4-34 line of said Randon School Road for the Southwest corner of the said
4-35 5.0 acre tract and an exterior ell corner for the herein described
4-36 tract;

4-37 Thence, South 83°46'38" West, 953.44 feet with the North line
4-38 of said Randon School Road to a 5/8 inch steel rod set in the West
4-39 line of the said 74.25 acre tract and said Lot 17 for the Southwest
4-40 corner of the herein described tract, said point being in the East
4-41 line of adjacent Lot 18 of the said Slavin & George Subdivision and
4-42 that certain 40.5148 acre tract of land conveyed to Guadalupe A.
4-43 Cortez, as evidenced by instrument recorded under County Clerk's
4-44 File No. 2011122445 of the said Real Property Records;

4-45 Thence, North 06°09'30" West, 2609.04 feet with the East line
4-46 of the said 138.6472 acre tract and said Lot 18, and with the common
4-47 West line of the said 74.25 acre tract and said Lot 17 to a 1/2 inch
4-48 steel rod found marking the Northwest corner of the said 74.25 acre
4-49 tract, said Lot 17 and the herein described tract, said point being
4-50 the Northeast corner of the said 138.6472 acre tract and said Lot
4-51 18, said point being the Southeast corner of adjacent Lot 15 and the
4-52 Southwest corner of adjacent Lot 16 of the said Slavin & George
4-53 Subdivision, said point also being in the South line of that certain
4-54 191.02 acre tract of land conveyed to 230 Limited, as described in
4-55 deed recorded under County Clerk's File No. 2015048322 of the said
4-56 Real Property Records;

4-57 Thence, North 83°47'30" East with the South line of the said
4-58 191.02 acre tract and said Lot 16 and the common North line of the
4-59 said 74.25 acre tract and said Lot 17, at 633.95 feet passing the
4-60 Southeast corner of the said 191.02 acre tract and the Southwest
4-61 corner of that certain 20.00 acre tract of land conveyed to Sako
4-62 Properties, L.P., as described in deed recorded under County
4-63 Clerk's File No. 2006082946 of the said Real Property Records, at
4-64 976.95 feet passing the Southeast corner of the said 20.00 acre
4-65 tract and the Southwest corner of that certain 20.00 acre tract of
4-66 land conveyed to Sako Properties, L.P., as described in deed
4-67 recorded under County Clerk's File No. 2004133973 of the said Real
4-68 Property Records, and continuing in all, a total distance of
4-69 1320.09 feet to a 5/8 inch steel rod with cap (stamped "Kalkomey")

5-1 found marking the Northeast corner of the said 74.25 acre tract and
 5-2 said Lot 17 and the most Northerly Northeast corner of the herein
 5-3 described tract, said point being the Southeast corner of the said
 5-4 20.00 acre tract and said Lot 16, said point also being in the West
 5-5 line of that certain 12.101 acre tract of land conveyed to Martin F.
 5-6 Munoz and Leticia Munoz, and described as "Tract 14B-1" in deed
 5-7 recorded under County Clerk's File No. 2013135686 of the said Real
 5-8 Property Records, from which point, a 5/8 inch steel rod found in
 5-9 the South line of State Highway 90A, bears North 06°13'23" West,
 5-10 2538.8 feet;

5-11 Thence, South 06°13'23" East, 722.48 feet with the West line
 5-12 of the said 12.101 acre tract and the East line of the said 74.25
 5-13 acre tract and said Lot 17 to a point for the Northwest corner of the
 5-14 aforesaid 100 acre tract and said Lot 79, being an interior ell
 5-15 corner of the herein described tract, said point also being the
 5-16 Southwest corner of the said 12.101 acre tract, from which point, a
 5-17 found 5/8 inch steel rod bears North 84°01' East, 0.38 feet;

5-18 Thence, North 84°01'28" East with the South line of the said
 5-19 12.101 acre tract and the North line of the said 100 acre tract and
 5-20 said Lot 79, at 572.95 feet passing the Southeast corner of the said
 5-21 12.101 acre tract and the common Southwest corner of that certain
 5-22 2.403 acre tract of land described as a 60 Foot Wide Private Road
 5-23 and Utility Easement in deed recorded under County Clerk's File
 5-24 No. 2013135686 of the said Real Property Records, and continuing
 5-25 with the South line of the said 2.403 acre tract in all, a total
 5-26 distance of 1651.69 feet to a 5/8 inch steel rod set for an exterior
 5-27 ell corner of the herein described tract, said point being the
 5-28 Northwest corner of that certain 9.3877 acre tract of land conveyed
 5-29 to Angela J. Wells, as described in deed recorded under County
 5-30 Clerk's File No. 2018020973 of the said Real Property Records;

5-31 Thence, South 05°58'32" East, 629.31 feet with the West line
 5-32 of the said 9.3877 acre tract to a 5/8 inch steel rod set for the
 5-33 Southwest corner of the said 9.3877 acre tract and an interior ell
 5-34 corner of the herein described tract;

5-35 Thence, North 84°01'28" East, 649.23 feet with the South line
 5-36 of the said 9.3877 acre tract to a 5/8 inch steel rod set in the West
 5-37 line of said Muegge Road for the Southeast corner of the said 9.3877
 5-38 acre tract and the most Easterly Northeast corner of the herein
 5-39 described tract;

5-40 Thence, South 05°52'20" East, 1247.00 feet with the West line
 5-41 of said Muegge Road to the PLACE OF BEGINNING and containing
 5-42 163.9340 acres or 7,140,966 square feet of land, more or less.

5-43 This description is based on the land title survey and plat
 5-44 (Job No. 18-15072A) made under the direction of James H. Thomas,
 5-45 Registered Professional Land Surveyor on May 10, 2006 and
 5-46 re-surveyed on December 6, 2018.

5-47 TRACT 2 - 200.0928 ACRES

5-48 Fieldnotes for 200.0928 acres of land out of the L. E. Cross
 5-49 Survey, Abstract No. 408, in Fort Bend County, Texas, consisting of
 5-50 the residue of that certain (called) 112.85 acre tract of land and
 5-51 that certain (called) 90.9 acre tract of land conveyed to the Melvin
 5-52 Miller Family Partnership, Ltd., as described in deed recorded
 5-53 under County Clerk's File No. 9819938 of the Real Property Records
 5-54 of Fort Bend County, said 112.85 acre tract being all of Lot 76 and
 5-55 said 90.9 acre tract being all of Lot 78 of the Slavin & George
 5-56 Subdivision, the map or plat thereof recorded in Volume 64, Page 253
 5-57 of the Deed Records of Fort Bend County, and being that same
 5-58 200.0928 acre tract of land conveyed to Tala Properties, Inc., as
 5-59 described in deed recorded under County Clerk's File No. 2006122716
 5-60 of the said Real Property Records, said 200.0928 acres of land being
 5-61 more particularly described by metes and bounds, with all bearings
 5-62 based on and oriented to the Southeast line of Lots 72, 76, 78, and
 5-63 80 of said Slavin & George subdivision (South 45° West), as follows:

5-64 BEGINNING at a 1 inch galvanized steel pipe set in the South
 5-65 line of Randon School Road, based on a 60 foot right-of-way (as
 5-66 occupied on the ground), at its intersection with the Northeast
 5-67 line of South Miller Road, based on a 60 foot right-of-way (as
 5-68 described by right-of-way grant recorded in Volume 437, Page 49 of
 5-69 the said Deed Records), said point being the Northwest corner of the

6-1 residue of the said 112.85 acre tract and said Lot 76, the Northwest
6-2 corner of the said 200.0928 acre tract and the herein described
6-3 tract;

6-4 Thence, North 83°46'38" East, 4755.38 feet with the South line
6-5 of said Randon School Road to a 1 inch galvanized steel pipe set in
6-6 the Northeast line of said Lot 78 for the Northeast corner of the
6-7 herein described tract, said point being in the East line of Muegge
6-8 Road, based on a 60 foot right-of-way (as occupied on the ground),
6-9 and being in the common Southwest line of adjacent Lot 80 of said
6-10 Slavin & George Subdivision, said point also being the apparent
6-11 Southwest corner of that certain 5.0 acre tract of land conveyed to
6-12 Albert F. Andel, as described in deed recorded under County Clerk's
6-13 File No. 2006147834 of the said Real Property Records;

6-14 Thence, South 44°49'46" East with the Southwest line of said
6-15 Lot 80 and the said 5.0 acre tract and with the common Northeast
6-16 line of the said 90.9 acre tract and said Lot 78, at 518.34 feet
6-17 passing the Southeast corner of the said 5.0 acre tract and the
6-18 Southwest corner of the residue of that certain 5.219 acre tract of
6-19 land conveyed to Maria B. Sanchez, as described in deed recorded
6-20 under County Clerk's File No. 9631930 of the said Real Property
6-21 Records, and continuing with the Southwest line of the said 5.219
6-22 acre tract, at 710.38 feet passing the Southeast corner of the said
6-23 residue tract and the Southwest corner of that certain 2.61 acre
6-24 tract of land conveyed to Petra Aguillon, as described in deed
6-25 recorded under County Clerk's File No. 9871322 of the said Real
6-26 Property Records, and continuing with the Southwest line of the
6-27 said 2.61 acre tract in all, a total distance of 866.35 feet to a 5/8
6-28 inch steel rod set in the Southeast line of the said L.E. Cross
6-29 Survey for the most Easterly or Southeast corner of the said 90.9
6-30 acre tract, said Lot 78, and the herein described tract, said point
6-31 being the most Southerly corner of the said 2.61 acre tract, said
6-32 point also being in the Northwest line of the Charles N. Simpson
6-33 Survey, Abstract No. 485, and that certain 74.408 acre tract of
6-34 land conveyed to Gulf/Landmark 74 Venture, LP, as described in deed
6-35 recorded under County Clerk's File No. 2007106406 of the said Real
6-36 Property Records, from which point, a found 3/4 inch steel pipe
6-37 bears South 44°50' East, 0.4 feet and an additional found 3/4 steel
6-38 pipe bears North 45°00'00" East, 9.18 feet;

6-39 Thence, South 45°00'00" West (basis bearing) with the
6-40 Northwest line of the said Charles N. Simpson Survey and the said
6-41 74.408 acre tract and with the common Southeast line of the said
6-42 L.E. Cross Survey, the said 90.9 acre tract, and said Lot 78, at
6-43 1317.07 feet passing the most Westerly corner of the said 74.408
6-44 acre tract and the most Northerly corner of that certain 3.032 acre
6-45 tract of land conveyed to Landmark 60 Venture, LP, and described as
6-46 a 'proposed 100' strip for road purposes' (unimproved at the time of
6-47 this survey) in deed recorded under County Clerk's File
6-48 No. 2007023830 of the said Real Property Records, and continuing
6-49 with the Northwest line of the said 3.032 acre tract, at 1421.30
6-50 feet passing the most Westerly corner of the said 3.032 acre tract
6-51 and the most Northerly corner of that certain 57.779 acre tract of
6-52 land conveyed to Landmark 60 Venture, LP, as described in deed
6-53 recorded under County Clerk's File No. 2007023830 of the said Real
6-54 Property Records, and continuing with the Northwest line of the
6-55 said 57.779 acre tract, at 2222.22 feet passing the most Southerly
6-56 corner of said Lot 78 and the most Easterly corner of said Lot 76,
6-57 and continuing with the Southeast line of said Lot 76 in all, a
6-58 total distance of 3696.77 feet to a 5/8 inch steel rod set in the
6-59 Northeast line of said South Miller Road for the most Southerly
6-60 corner of the herein described tract, said point also being the most
6-61 Westerly corner of the said 57.779 acre tract, from which point, a
6-62 found 3/4 inch steel pipe bears South 45°00' West, 0.67 feet;

6-63 Thence, North 45°07'04" West, 3844.62 feet with the Northeast
6-64 line of said South Miller Road to the PLACE OF BEGINNING and
6-65 containing 200.0928 acres or 8,716,043 square feet of land, more or
6-66 less.

6-67 This description is based on the land title survey and plat
6-68 (Job No. 06-15072A) made under the direction of James H. Thomas,
6-69 Registered Professional Land Surveyor on May 10, 2006 and

7-1 re-surveyed on December 6, 2018.

7-2 TRACT 3 - 89.4655 ACRES

7-3 Fieldnotes for 89.4655 acres of land out of the L. E. Cross
 7-4 Survey, Abstract No. 408, and the Lester E. Cross Survey, Abstract
 7-5 No. 419, in Fort Bend County, Texas, being out of and a part of that
 7-6 certain (called) 93.30 acre tract of land conveyed to Sadie Miller,
 7-7 as described in deed recorded in Volume 405, Page 37 of the Deed
 7-8 Records of Fort Bend County, said 93.30 acre tract being all of Lot
 7-9 73 of the Slavin & George Subdivision, the map or plat thereof
 7-10 recorded in Volume 64, Page 253 of the Deed Records of Fort Bend
 7-11 County, and being that same 89.4655 acre tract of land conveyed to
 7-12 Tala Properties, Inc., as described in deed recorded under County
 7-13 Clerk's File No. 2006122716 of the said Real Property Records, said
 7-14 89.4655 acres of land being more particularly described by metes
 7-15 and bounds, with all bearings based on and oriented to the Southeast
 7-16 line of Lots 72, 76, 78, and 80 of said Slavin & George subdivision
 7-17 (South 45° West), as follows:

7-18 COMMENCING at a 1 inch galvanized steel pipe set in the South
 7-19 line of Randon School Road, based on a 60.00 foot right-of-way (as
 7-20 occupied on the ground), at its intersection with the Southwest
 7-21 line of South Miller Road, based on a 60 foot right-of-way (as
 7-22 occupied on the ground), said point being the Northeast corner of
 7-23 the residue of Lot 74 of said Slavin & George Subdivision;

7-24 Thence, South 45°07'04" East, 1273.05 feet with the Southwest
 7-25 line of said South Miller Road to a 5/8 inch steel rod set in the
 7-26 Northwest line of the said 93.30 acre tract and said Lot 73 for the
 7-27 most Northerly corner and PLACE OF BEGINNING of the herein
 7-28 described tract, said point being in the Southeast line of said Lot
 7-29 74, at the most Easterly corner of that certain 64.87 acre tract of
 7-30 land conveyed to Miller 108 LLC, as described in deed recorded under
 7-31 County Clerk's File No. 2012097185 of the said Real Property
 7-32 Records, said point also being most Westerly corner of that certain
 7-33 10 foot wide strip of land conveyed to the County of Fort Bend (for
 7-34 road widening) as described in right-of-way grant recorded in
 7-35 Volume 437, Page 48 of the said Deed Records, from which point, a 6
 7-36 inch wood post bears North 44°31' East, 1.1 feet;

7-37 Thence, South 45°07'04" East, 1330.56 feet with the Southwest
 7-38 line of said South Miller Road and the said 10 foot wide strip to a
 7-39 5/8 inch steel rod set in the Southeast line of the said 93.30 acre
 7-40 tract and said Lot 73 for the most Easterly corner of the herein
 7-41 described tract, said point being in the Northwest line of adjacent
 7-42 Lot 72 of the said Slavin & George Subdivision and that certain
 7-43 116.5 acre tract of land conveyed to Cynthia Irene Price, as
 7-44 described in deed recorded under County Clerk's File No. 2016110214
 7-45 of the said Real Property Records;

7-46 Thence, South 44°29'35" West, 2928.37 feet with the Northwest
 7-47 line of the said 116.5 acre tract and said Lot 72 and the common
 7-48 Southeast line of the said 93.30 acre tract and said Lot 73 to a 5/8
 7-49 inch steel rod set in the Northeast line of State Highway 36 Bypass
 7-50 (also known as Spur 10), based on a 150 foot right-of-way, for the
 7-51 most Southerly corner of the herein described tract, said point
 7-52 also being the most Easterly corner of that certain 2.29 acre tract
 7-53 of land conveyed to the County of Fort Bend as described in
 7-54 right-of-way deed recorded under County Clerk's File No. 9002037 of
 7-55 the said Real Property Records;

7-56 Thence, North 45°05'04" West, 1331.49 feet with the Northeast
 7-57 line of said State Highway 36 Bypass and the said 2.29 acre tract to
 7-58 a 5/8 inch steel rod set in the Southeast line of said Lot 74 for the
 7-59 most Westerly corner of the herein described tract, said point
 7-60 being the most Southerly corner of the said 64.87 acre tract, being
 7-61 in the Northwest line of the said 93.30 acre tract and said Lot 73,
 7-62 said point also being the most Northerly corner of the said 2.29
 7-63 acre tract;

7-64 Thence, North 44°30'40" East, 2927.58 feet with the Southeast
 7-65 line of the said 64.87 acre tract and said Lot 74 and the common
 7-66 Northwest line of the said 93.30 acre tract and said Lot 73 to the
 7-67 PLACE OF BEGINNING and containing 89.4655 acres or 3,897,118 square
 7-68 feet of land, more or less.

7-69 This description is based on the land title survey and plat

8-1 (Job No. 06-15072A) made under the direction of James H. Thomas,
 8-2 Registered Professional Land Surveyor on May 10, 2006, and
 8-3 re-surveyed on December 6, 2018.

8-4 TRACT 4 - 74.408 ACRES

8-5 74.408 acres of land in the Charles N. Simpson Survey,
 8-6 Abstract 485, in Section No. 12, H. & T. C. Railroad Company Survey,
 8-7 Fort Bend County, Texas.

8-8 For connection begin at a 1 1/2-inch iron pipe found marking
 8-9 the north corner of said Charles N. Simpson Survey, Abstract 485,
 8-10 and Section No. 12, H. & T. C. Railroad Company Survey;

8-11 THENCE, South 45 deg. West, 2776.4 feet to an iron pipe set
 8-12 for the north corner of and PLACE OF BEGINNING for this tract;

8-13 THENCE, South 36 deg. 42' East, 1735.16 feet along a fence
 8-14 line marking the western line of a 115 22-acre tract to an iron pipe
 8-15 set for the east corner of this tract;

8-16 THENCE, South 56 deg. 14' West, 2056.18 feet along the
 8-17 northwest line of the G. H. S. A. Railroad along a line 50 feet
 8-18 perpendicular distant from and parallel to centerline of said
 8-19 railroad to an iron pipe set for the south corner of this tract;

8-20 THENCE, northwesterly along the northeasterly line of a
 8-21 proposed 100 foot road with a curve to the left with the following
 8-22 data:

8-23 Delta = 27 deg. 18' 57"; Radius = 2790 feet; Length =
 8-24 1330.13; Chord = North 47 deg. 25' 28" West, 1317.57
 8-25 feet to an iron pipe set for the west corner of this
 8-26 tract;

8-27 THENCE, North 45 deg. East, 2323.0 feet along the northwest
 8-28 line of said Charles Simpson Survey, Abstract 485 to the PLACE OF
 8-29 BEGINNING and containing 74.408 acres land including 1.373 acres in
 8-30 Humble Pipeline Company easement (Volume 426, Page 5; Deed
 8-31 Records), and 0.759 acre in the Gulf Pipeline 20-foot wide easement
 8-32 (Volume 113, Page 474; Deed Records).

8-33 TRACT 5 - 3.032 ACRES

8-34 A 3.032 acre tract being a proposed 100-foot strip for road
 8-35 purposes in Section 12, H. & T. C. Railroad Company Survey, Abstract
 8-36 485, C. N. Simpson Survey, Abstract 485, Fort Bend County, Texas,
 8-37 and more particularly described by metes and bounds as follows,
 8-38 to-wit:

8-39 For connection begin at a 1 1/2-inch iron pipe found marking
 8-40 the north corner of said Section 12;

8-41 THENCE, South 45 deg. West, 5099.4 feet to an iron pipe set
 8-42 for the north corner of and PLACE OF BEGINNING for this tract;

8-43 THENCE, southeasterly with a curve to the right with the
 8-44 following data:

8-45 Delta = 27 deg. 18' 57"; Radius = 2790 feet; Length =
 8-46 1330.13; Chord = South 47 deg. 25' 28" East, 1317.57
 8-47 feet to an iron pipe set for the east corner of this
 8-48 tract; said point being in the northwest line of the G.
 8-49 H. & S. A. Railroad (100 feet wide);

8-50 THENCE, South 56 deg. 14 min. West, along said northwest line
 8-51 of said railroad 100 feet to an iron pipe set for the south corner of
 8-52 this tract;

8-53 THENCE, northwesterly with a curve to the left with the
 8-54 following data:

8-55 Delta = 27 deg. 55' 50"; Radius = 2690 feet; Length =
 8-56 1311.33; Chord = North 47 deg. 43' 55" West, 1298.38
 8-57 feet to an iron pipe set for the west corner of this
 8-58 tract;

8-59 THENCE, North 45 deg. East, 104.23 feet to the PLACE OF
 8-60 BEGINNING and containing 3.032 acres of land.

8-61 TRACT 6 - 57.779 ACRES

8-62 57.779 acres of land in the W. S. Anderson Survey, Abstract
 8-63 424, in Section No. 8, H. & T. C. Railroad Company Survey, and in
 8-64 the Charles N. Simpson Survey, Abstract 485, in Section No. 12, H. &
 8-65 T. C. Railroad Company Survey, Fort Bend County, Texas.

8-66 For connection begin at a 1 1/2-inch iron pipe found marking
 8-67 the north corner of said Charles N. Simpson Survey, Abstract 485,
 8-68 and Section No. 12, H. & T. C. Railroad Company Survey;

8-69 THENCE, South 45 deg. West, 5203.63 feet to an iron pipe set

9-1 for the north corner of and PLACE OF BEGINNING for this tract;
9-2 THENCE, southeasterly along the southeast line of a proposed
9-3 100 foot road with a curve to the right with the following data:

9-4 Delta = 27 deg. 55' 50"; Radius = 2690 feet; Length =
9-5 1311.33; Chord = South 47 deg. 43' 55" East, 1298.38
9-6 feet to an iron pipe set for the east corner of this
9-7 tract; said point being in the northwest line of the G.
9-8 H. & S. A. Railroad (100 feet wide);

9-9 THENCE, South 56 deg. 14 West, 2380.91 feet along said
9-10 northwest line of the G. H. & S. A. Railroad along a line 50 feet
9-11 perpendicular distant from and parallel to the centerline of said
9-12 railroad to an iron pipe set for the south corner of this tract;

9-13 THENCE, North 45 deg. 08' 30" West, 833.1 feet along the
9-14 northeast line of Miller Road (60 feet wide), to an iron pipe set
9-15 for the west corner of this tract;

9-16 THENCE, North 45 deg. East, 2275.47 feet along the northwest
9-17 line of said W. S. Anderson Survey, Abstract 424, and Charles N.
9-18 Simpson Survey, Abstract 485, to the PLACE OF BEGINNING and
9-19 containing 57.779 acres of land.

9-20 SECTION 3. (a) The legal notice of the intention to
9-21 introduce this Act, setting forth the general substance of this
9-22 Act, has been published as provided by law, and the notice and a
9-23 copy of this Act have been furnished to all persons, agencies,
9-24 officials, or entities to which they are required to be furnished
9-25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-26 Government Code.

9-27 (b) The governor, one of the required recipients, has
9-28 submitted the notice and Act to the Texas Commission on
9-29 Environmental Quality.

9-30 (c) The Texas Commission on Environmental Quality has filed
9-31 its recommendations relating to this Act with the governor, the
9-32 lieutenant governor, and the speaker of the house of
9-33 representatives within the required time.

9-34 (d) All requirements of the constitution and laws of this
9-35 state and the rules and procedures of the legislature with respect
9-36 to the notice, introduction, and passage of this Act are fulfilled
9-37 and accomplished.

9-38 SECTION 4. (a) If this Act does not receive a two-thirds
9-39 vote of all the members elected to each house, Subchapter C, Chapter
9-40 8040, Special District Local Laws Code, as added by Section 1 of
9-41 this Act, is amended by adding Section 8040.0306 to read as follows:

9-42 Sec. 8040.0306. NO EMINENT DOMAIN POWER. The district may
9-43 not exercise the power of eminent domain.

9-44 (b) This section is not intended to be an expression of a
9-45 legislative interpretation of the requirements of Section 17(c),
9-46 Article I, Texas Constitution.

9-47 SECTION 5. This Act takes effect immediately if it receives
9-48 a vote of two-thirds of all the members elected to each house, as
9-49 provided by Section 39, Article III, Texas Constitution. If this
9-50 Act does not receive the vote necessary for immediate effect, this
9-51 Act takes effect September 1, 2019.

9-52 * * * * *