

1-1 By: Metcalf (Senate Sponsor - Nichols) H.B. No. 4505
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 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
1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Lucio	X		
1-10	Schwertner	X		
1-11	Alvarado	X		
1-12	Campbell	X		
1-13	Fallon	X		
1-14	Menéndez	X		
1-15	Nichols	X		

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

1-18 relating to the creation of the Montgomery County Municipal Utility
1-19 District No. 178; granting a limited power of eminent domain;
1-20 providing authority to issue bonds; providing authority to impose
1-21 assessments, fees, and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-24 Code, is amended by adding Chapter 8086 to read as follows:

1-25 CHAPTER 8086. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 178

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8086.0101. DEFINITIONS. In this chapter:

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

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

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

1-32 (4) "District" means the Montgomery County Municipal
1-33 Utility District No. 178.

1-34 Sec. 8086.0102. NATURE OF DISTRICT. The district is a
1-35 municipal utility district created under Section 59, Article XVI,
1-36 Texas Constitution.

1-37 Sec. 8086.0103. CONFIRMATION AND DIRECTOR ELECTION
1-38 REQUIRED. The temporary directors shall hold an election to
1-39 confirm the creation of the district and to elect five permanent
1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 8086.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section
1-43 8086.0103 until each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district.

1-47 Sec. 8086.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-48 (a) The district is created to serve a public purpose and benefit.

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

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

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

1-56 Sec. 8086.0106. INITIAL DISTRICT TERRITORY. (a) The
1-57 district is initially composed of the territory described by
1-58 Section 2 of the Act enacting this chapter.

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

- 2-1 does not affect the district's:
- 2-2 (1) organization, existence, or validity;
- 2-3 (2) right to issue any type of bond for the purposes
- 2-4 for which the district is created or to pay the principal of and
- 2-5 interest on a bond;
- 2-6 (3) right to impose a tax; or
- 2-7 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 8086.0201. GOVERNING BODY; TERMS. (a) The district is

2-10 governed by a board of five elected directors.

2-11 (b) Except as provided by Section 8086.0202, directors

2-12 serve staggered four-year terms.

2-13 Sec. 8086.0202. TEMPORARY DIRECTORS. (a) The temporary

2-14 board consists of:

- 2-15 (1) Juan Trejo, III;
- 2-16 (2) Scott Carson;
- 2-17 (3) Darrin Warr;
- 2-18 (4) Will De la Rosa; and
- 2-19 (5) Cody Bark.

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

- 2-21 (1) the date permanent directors are elected under
- 2-22 Section 8086.0103; or
- 2-23 (2) the fourth anniversary of the effective date of
- 2-24 the Act enacting this chapter.

2-25 (c) If permanent directors have not been elected under

2-26 Section 8086.0103 and the terms of the temporary directors have

2-27 expired, successor temporary directors shall be appointed or

2-28 reappointed as provided by Subsection (d) to serve terms that

2-29 expire on the earlier of:

- 2-30 (1) the date permanent directors are elected under
- 2-31 Section 8086.0103; or
- 2-32 (2) the fourth anniversary of the date of the
- 2-33 appointment or reappointment.

2-34 (d) If Subsection (c) applies, the owner or owners of a

2-35 majority of the assessed value of the real property in the district

2-36 may submit a petition to the commission requesting that the

2-37 commission appoint as successor temporary directors the five

2-38 persons named in the petition. The commission shall appoint as

2-39 successor temporary directors the five persons named in the

2-40 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8086.0301. 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. 8086.0302. 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. 8086.0303. 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. 8086.0304. 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. 8086.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69

3-1 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-2 applicable requirements of any ordinance or resolution that is
 3-3 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-4 consents to the creation of the district or to the inclusion of land
 3-5 in the district.

3-6 Sec. 8086.0306. DIVISION OF DISTRICT. (a) The district may
 3-7 be divided into two or more new districts only if the district:

- 3-8 (1) has never issued any bonds; and
- 3-9 (2) is not imposing ad valorem taxes.

3-10 (b) This chapter applies to any new district created by the
 3-11 division of the district, and a new district has all the powers and
 3-12 duties of the district.

3-13 (c) Any new district created by the division of the district
 3-14 may not, at the time the new district is created, contain any land
 3-15 outside the area described by Section 2 of the Act enacting this
 3-16 chapter.

3-17 (d) The board, on its own motion or on receipt of a petition
 3-18 signed by the owner or owners of a majority of the assessed value of
 3-19 the real property in the district, may adopt an order dividing the
 3-20 district.

3-21 (e) The board may adopt an order dividing the district
 3-22 before or after the date the board holds an election under Section
 3-23 8086.0103 to confirm the creation of the district.

3-24 (f) An order dividing the district shall:

- 3-25 (1) name each new district;
- 3-26 (2) include the metes and bounds description of the
 3-27 territory of each new district;
- 3-28 (3) appoint temporary directors for each new district;

3-29 and
 3-30 (4) provide for the division of assets and liabilities
 3-31 between or among the new districts.

3-32 (g) On or before the 30th day after the date of adoption of
 3-33 an order dividing the district, the district shall file the order
 3-34 with the commission and record the order in the real property
 3-35 records of each county in which the district is located.

3-36 (h) Any new district created by the division of the district
 3-37 shall hold a confirmation and directors' election as required by
 3-38 Section 8086.0103.

3-39 (i) If the creation of the new district is confirmed, the
 3-40 new district shall provide the election date and results to the
 3-41 commission.

3-42 (j) Any new district created by the division of the district
 3-43 must hold an election as required by this chapter to obtain voter
 3-44 approval before the district may impose a maintenance tax or issue
 3-45 bonds payable wholly or partly from ad valorem taxes.

3-46 (k) Municipal consent to the creation of the district and to
 3-47 the inclusion of land in the district granted under Section
 3-48 8086.0104 acts as municipal consent to the creation of any new
 3-49 district created by the division of the district and to the
 3-50 inclusion of land in the new district.

3-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-52 Sec. 8086.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-53 The district may issue, without an election, bonds and other
 3-54 obligations secured by:

- 3-55 (1) revenue other than ad valorem taxes; or
- 3-56 (2) contract payments described by Section 8086.0403.

3-57 (b) The district must hold an election in the manner
 3-58 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-59 before the district may impose an ad valorem tax or issue bonds
 3-60 payable from ad valorem taxes.

3-61 (c) The district may not issue bonds payable from ad valorem
 3-62 taxes to finance a road project unless the issuance is approved by a
 3-63 vote of a two-thirds majority of the district voters voting at an
 3-64 election held for that purpose.

3-65 Sec. 8086.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-66 authorized at an election held under Section 8086.0401, the
 3-67 district may impose an operation and maintenance tax on taxable
 3-68 property in the district in accordance with Section 49.107, Water
 3-69 Code.

4-1 (b) The board shall determine the tax rate. The rate may not
 4-2 exceed the rate approved at the election.

4-3 Sec. 8086.0403. CONTRACT TAXES. (a) In accordance with
 4-4 Section 49.108, Water Code, the district may impose a tax other than
 4-5 an operation and maintenance tax and use the revenue derived from
 4-6 the tax to make payments under a contract after the provisions of
 4-7 the contract have been approved by a majority of the district voters
 4-8 voting at an election held for that purpose.

4-9 (b) A contract approved by the district voters may contain a
 4-10 provision stating that the contract may be modified or amended by
 4-11 the board without further voter approval.

4-12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-13 Sec. 8086.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-14 OBLIGATIONS. The district may issue bonds or other obligations
 4-15 payable wholly or partly from ad valorem taxes, impact fees,
 4-16 revenue, contract payments, grants, or other district money, or any
 4-17 combination of those sources, to pay for any authorized district
 4-18 purpose.

4-19 Sec. 8086.0502. TAXES FOR BONDS. At the time the district
 4-20 issues bonds payable wholly or partly from ad valorem taxes, the
 4-21 board shall provide for the annual imposition of a continuing
 4-22 direct ad valorem tax, without limit as to rate or amount, while all
 4-23 or part of the bonds are outstanding as required and in the manner
 4-24 provided by Sections 54.601 and 54.602, Water Code.

4-25 Sec. 8086.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-26 issuance, the total principal amount of bonds or other obligations
 4-27 issued or incurred to finance road projects and payable from ad
 4-28 valorem taxes may not exceed one-fourth of the assessed value of the
 4-29 real property in the district.

4-30 SECTION 2. The Montgomery County Municipal Utility District
 4-31 No. 178 initially includes all the territory contained in the
 4-32 following area:

4-33 Being 133.0 acres of land in the F. K. Henderson Survey,
 4-34 Abstract 248, Montgomery County, Texas, and being a portion of the
 4-35 116.9 acre tract ("First Tract") and a portion of the 139.78 acre
 4-36 tract ("Second Tract") described in the deed from Otway Taylor, et
 4-37 al., to Geo. B. Darden recorded in Volume 258, Page 84 of the
 4-38 Official Public Records of Real Property of Montgomery County,
 4-39 Texas, also described in deed from Geo. B. Darden conveying 50%
 4-40 interest in the above referenced tracts to W. T. Moran recorded in
 4-41 Volume 285, Page 598 of the Official Public Records of Real Property
 4-42 of Montgomery County, Texas, and being a portion of the 34 acre
 4-43 tract described in deed from Geo. B. Darden conveying 50% interest
 4-44 in said 34 acre tract to W. T. Moran recorded in Volume 285, Page 598
 4-45 of the Official Public Records of Real Property of Montgomery
 4-46 County, Texas, and being more particularly described by metes and
 4-47 bounds as follows with bearings based on the Texas Coordinate
 4-48 System of 1983, Central Zone:

4-49 BEGINNING at a 1-inch pinched top pipe found for the most
 4-50 southerly corner of the called 4.4 acre tract described in the deed
 4-51 to Bessie Ingram, et al., recorded in Volume 613, Page 166 of the
 4-52 Official Public Records of Real Property of Montgomery County,
 4-53 Texas, and being on the existing east right-of-way line of
 4-54 Interstate Highway 45 (width varies) described in Volume 495, Page
 4-55 593 of the Montgomery County Deed Records and being a southwesterly
 4-56 corner of the herein described tract;

4-57 THENCE North 72° 02' 04" East - 775.42 feet, with the
 4-58 southerly line of said called 4.4 acre tract to a 5-inch metal post
 4-59 at a barbed wire fence corner found for the most easterly corner of
 4-60 said called 4.4 acre tract;

4-61 THENCE North 18° 13' 40" West - 258.57 feet, with the easterly
 4-62 line of said called 4.4 acre tract to a 3/4-inch pinched top pipe
 4-63 found for the most northerly corner of said called 4.4 acre tract
 4-64 and being the most easterly corner of the called 20.478 acre tract
 4-65 described in deed to O. G. Williams recorded under Volume 613, Page
 4-66 166 of the Official Public Records of Real Property of Montgomery
 4-67 County, Texas;

4-68 THENCE North 18° 04' 15" West - 1902.34 feet, with the
 4-69 easterly line of said called 20.478 acre tract to a 5-inch metal

5-1 post at a barbed wire fence corner found for the most northerly
 5-2 corner of said called 20.478 acre tract, being the northwest corner
 5-3 of the herein described tract and being on the southeasterly line
 5-4 of the 184 acre tract described in deed to W. T. Moran recorded in
 5-5 Volume 225, Page 324 of the Montgomery County Deed Records, and from
 5-6 which point a 1-inch pinched top pipe found on the existing east
 5-7 right-of-way line of said Interstate Highway 45 bears South 72° 30'
 5-8 01" West - 239.16 feet;

5-9 THENCE North 72° 30' 01" East, at a distance of 2178.53 feet
 5-10 pass a found 1-1/4 inch iron pipe, in all a total distance of
 5-11 2996.55 feet to a 5/8-inch iron rod with cap stamped "IDS" set for
 5-12 an angle point in the center of the 50-foot wide Gulf States
 5-13 Utilities Company easement recorded in Volume 117, Page 578 of the
 5-14 Montgomery County Deed Records;

5-15 THENCE North 18° 25' 50" West - 150.08 feet, with the
 5-16 centerline of said 50-foot wide easement, to a 4-inch metal pole in
 5-17 concrete found for the west corner of the 6.000 acre tract described
 5-18 in deed to Andrew Scott Munson recorded in File Number 2002-114531
 5-19 of the Official Public Records of Real Property of Montgomery
 5-20 County, Texas;

5-21 THENCE South 77° 55' 33" East - 628.35 feet, with the
 5-22 southerly line of said 6.000 acre tract to a 5/8-inch iron rod with
 5-23 cap stamped "IDS" set for an angle point and being the north corner
 5-24 of the 1.724 acre tract described in deed to Boardman Lee Munson
 5-25 recorded in File Number 2005-039674 of the Official Public Records
 5-26 of Real Property of Montgomery County, Texas;

5-27 THENCE South 13° 15' 38" West - 410.25 feet, with the westerly
 5-28 line of said 1.724 acre tract and subsequently the westerly line of
 5-29 the 2.00 acre tract described in deed to S.R.S. FAMILY, L.P.
 5-30 recorded in File Number 2016-072723 of the Official Public Records
 5-31 of Real Property of Montgomery County, Texas, to a 5/8-inch iron rod
 5-32 found for the southwest corner of said 2.00 acre tract and being an
 5-33 interior corner of the herein described tract;

5-34 THENCE South 76° 38' 05" East - 418.77 feet, with the south
 5-35 line of said 2.00 acre tract, to a 1/2-inch iron rod found for the
 5-36 southeast corner of said 2.00 acre tract and being on the westerly
 5-37 right-of-way line of State Highway 75 (width varies);

5-38 THENCE South 11° 56' 11" West - 641.18 feet, with the westerly
 5-39 right-of-way line of State Highway 75, to a 1/2-inch iron rod with
 5-40 cap stamped "JEFF MOON" found for the northeast corner of the
 5-41 30-foot wide access easement described in deed to City of Willis
 5-42 recorded in Volume 949, Page 600 of the Official Public Records of
 5-43 Real Property of Montgomery County, Texas;

5-44 THENCE North 76° 39' 50" West - 170.90 feet, with the north
 5-45 line of said 30-foot wide access easement, to a 1/2-inch iron rod
 5-46 with cap stamped "JEFF MOON" found for the beginning of a curve to
 5-47 the left;

5-48 THENCE in a southwesterly direction, with the north line of
 5-49 said 30-foot wide easement and with said curve to the left, having a
 5-50 radius of 275.00 feet, a central angle of 29° 50' 00", a chord
 5-51 bearing and distance of South 88° 25' 13" West - 141.58 feet, and an
 5-52 arc distance of 143.19 feet to a 1/2-inch iron rod (bent) found for
 5-53 the end of said curve;

5-54 THENCE South 73° 30' 13" West - 376.45 feet, continuing with
 5-55 the north line of said 30-foot wide easement, to a 5/8-inch iron rod
 5-56 (bent) found for the northwest corner of said 30-foot wide easement
 5-57 and being the northeast corner of a 4.3668 acre tract described in
 5-58 deed to City of Willis recorded in File Number Volume 949, Page 593
 5-59 of the Official Public Records of Real Property of Montgomery
 5-60 County, Texas;

5-61 THENCE South 73° 27' 30" West - 549.83 feet, with the north
 5-62 line of 4.3668 acre tract to a 5/8-inch iron rod found for the
 5-63 northwest corner of said 4.3668 acre tract;

5-64 THENCE South 16° 08' 36" East - 74.20 feet, with a westerly
 5-65 line of said 4.3668 acre tract, to the centerline of East Fork of
 5-66 Crystal Creek and being a northerly corner of the called 56.537 acre
 5-67 tract described in deed to WILLIS INDEPENDENT SCHOOL DISTRICT
 5-68 recorded in File Number 2009-075919 of the Official Public Records
 5-69 of Real Property of Montgomery County, Texas;

- 6-1 THENCE upstream with the centerline meanders of East Fork of
- 6-2 Crystal Creek and the northerly lines of said 56.537 acre tract the
- 6-3 following courses and distances:
- 6-4 South 70° 35' 11" West - 33.39 feet to a point;
- 6-5 North 80° 32' 26" West - 73.75 feet to a point;
- 6-6 South 71° 37' 44" West - 71.55 feet to a point;
- 6-7 North 37° 39' 44" West - 193.05 feet to a point;
- 6-8 North 75° 27' 42" West - 15.78 feet to a point;
- 6-9 South 79° 52' 36" West - 16.52 feet to a point;
- 6-10 North 21° 05' 06" West - 17.97 feet to a point;
- 6-11 North 36° 24' 29" East - 31.20 feet to a point;
- 6-12 North 75° 23' 22" West - 89.92 feet to a point;
- 6-13 North 72° 00' 47" West - 54.68 feet to a point;
- 6-14 North 26° 03' 42" East - 25.75 feet to a point;
- 6-15 North 61° 20' 29" East - 42.65 feet to a point;
- 6-16 North 15° 26' 24" West - 11.68 feet to a point;
- 6-17 North 53° 00' 21" West - 53.87 feet to a point;
- 6-18 South 58° 16' 00" West - 20.71 feet to a point;
- 6-19 North 79° 26' 57" West - 16.65 feet to a point;
- 6-20 North 48° 21' 09" West - 27.21 feet to a point;
- 6-21 North 18° 36' 35" West - 37.64 feet to a point;
- 6-22 North 15° 59' 52" West - 45.67 feet to a point;
- 6-23 North 30° 02' 36" West - 11.21 feet to a point;
- 6-24 North 72° 54' 49" West - 31.82 feet to a point;
- 6-25 North 86° 21' 07" West - 28.71 feet to a point;
- 6-26 THENCE with westerly lines of said 56.537 acre tract and
- 6-27 interior lines of the herein described tract the following courses
- 6-28 and distances:
- 6-29 South 60° 52' 13" West - 439.62 feet to a 5/8-inch iron
- 6-30 rod with cap stamped "M&A" found for an angle corner;
- 6-31 South 12° 53' 19" West - 1415.35 feet to a 5/8-inch iron
- 6-32 rod with cap stamped "M&A" found for an angle corner;
- 6-33 South 22° 51' 04" East - 900.35 feet to a 5/8-inch iron
- 6-34 rod with cap stamped "M&A" found for an angle corner;
- 6-35 South 15° 52' 57" East - 478.23 feet to a 5/8-inch iron
- 6-36 rod with cap stamped "IDS" set on the arc of a non-tangent
- 6-37 curve to the left and being on the north right-of-way line of
- 6-38 FM 830 (120-foot wide) recorded in Volume 563, Page 60 of the
- 6-39 Official Public Records of Real Property of Montgomery
- 6-40 County, Texas;
- 6-41 THENCE in a southwesterly direction, with the north
- 6-42 right-of-way line of FM 830 and said curve to the left, having a
- 6-43 radius of 2925.00 feet, a central angle of 03° 30' 20", a chord
- 6-44 bearing and distance of South 87° 37' 26" West - 178.93 feet, and an
- 6-45 arc distance of 178.96 feet to a TxDOT concrete monument found for
- 6-46 the end of said curve;
- 6-47 THENCE South 85° 52' 16" West - 902.35 feet, continuing with
- 6-48 the north right-of-way line of FM 830, to the south corner of a
- 6-49 cutback line at the intersection of the north right-of-way line of
- 6-50 FM 830 and the easterly right-of-way line of said Interstate
- 6-51 Highway 45, from which point a TxDOT concrete monument bears South
- 6-52 46° 39' 14" East - 1.07 feet;
- 6-53 THENCE North 39° 05' 47" West - 67.43 feet, with said cutback
- 6-54 line, to the north corner of said cutback line and the easterly
- 6-55 right-of-way line of said Interstate Highway 45, being the
- 6-56 beginning of a non-tangent curve to the left, from which point a
- 6-57 TxDOT concrete monument bears South 72° 08' 45" East - 0.46 feet;
- 6-58 THENCE in a northwesterly direction, with the easterly
- 6-59 right-of-way line of said Interstate Highway 45 and with said curve
- 6-60 to the left, having a radius of 285.00 feet, a central angle of 64°
- 6-61 59' 58", a chord bearing and distance of North 36° 39' 22" West -
- 6-62 306.26 feet, and an arc distance of 323.32 feet to the end of said
- 6-63 curve from which point a TxDOT concrete monument bears South 48° 43'
- 6-64 13" East - 0.51 feet;
- 6-65 THENCE North 69° 09' 21" West - 272.82 feet, continuing with
- 6-66 the easterly right-of-way line of said Interstate Highway 45 to a
- 6-67 TxDOT concrete monument found for the beginning of a curve to the
- 6-68 right;
- 6-69 THENCE in a northwesterly direction, continuing with the

7-1 easterly right-of-way line of said Interstate Highway 45 and with
7-2 said curve to the right, having a radius of 177.00 feet, a central
7-3 angle of 65° 00' 00", a chord bearing and distance of North 36° 39'
7-4 21" West - 190.20 feet, and an arc distance of 200.80 feet to a TxDOT
7-5 concrete monument found for the end of said curve;

7-6 THENCE North 04° 09' 21" West - 214.21 feet, continuing with
7-7 the easterly right-of-way line of said Interstate Highway 45, to
7-8 the POINT OF BEGINNING and containing 133.0 acres of land.

7-9 SECTION 3. (a) The legal notice of the intention to
7-10 introduce this Act, setting forth the general substance of this
7-11 Act, has been published as provided by law, and the notice and a
7-12 copy of this Act have been furnished to all persons, agencies,
7-13 officials, or entities to which they are required to be furnished
7-14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7-15 Government Code.

7-16 (b) The governor, one of the required recipients, has
7-17 submitted the notice and Act to the Texas Commission on
7-18 Environmental Quality.

7-19 (c) The Texas Commission on Environmental Quality has filed
7-20 its recommendations relating to this Act with the governor, the
7-21 lieutenant governor, and the speaker of the house of
7-22 representatives within the required time.

7-23 (d) All requirements of the constitution and laws of this
7-24 state and the rules and procedures of the legislature with respect
7-25 to the notice, introduction, and passage of this Act are fulfilled
7-26 and accomplished.

7-27 SECTION 4. (a) If this Act does not receive a two-thirds
7-28 vote of all the members elected to each house, Subchapter C, Chapter
7-29 8086, Special District Local Laws Code, as added by Section 1 of
7-30 this Act, is amended by adding Section 8086.0307 to read as follows:

7-31 Sec. 8086.0307. NO EMINENT DOMAIN POWER. The district may
7-32 not exercise the power of eminent domain.

7-33 (b) This section is not intended to be an expression of a
7-34 legislative interpretation of the requirements of Section 17(c),
7-35 Article I, Texas Constitution.

7-36 SECTION 5. This Act takes effect immediately if it receives
7-37 a vote of two-thirds of all the members elected to each house, as
7-38 provided by Section 39, Article III, Texas Constitution. If this
7-39 Act does not receive the vote necessary for immediate effect, this
7-40 Act takes effect September 1, 2019.

7-41 * * * * *