

By: Kolkhorst

S.B. No. 2494

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Harris-Waller Counties Municipal
3 Utility District No. 4; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 8047 to read as follows:

9 CHAPTER 8047. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT

10 NO. 4

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8047.0101. DEFINITIONS. In this chapter:

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

14 (2) "Commission" means the Texas Commission on
15 Environmental Quality.

16 (3) "Director" means a board member.

17 (4) "District" means the Harris-Waller Counties
18 Municipal Utility District No. 4.

19 Sec. 8047.0102. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 8047.0103. CONFIRMATION AND DIRECTOR ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 8047.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 8047.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 8047.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

17 Sec. 8047.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

20 (b) The boundaries and field notes contained in Section 2 of
21 the Act enacting this chapter form a closure. A mistake made in the
22 field notes or in copying the field notes in the legislative process
23 does not affect the district's:

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for the purposes
26 for which the district is created or to pay the principal of and
27 interest on a bond;

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8047.0201. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 8047.0202, directors
7 serve staggered four-year terms.

8 Sec. 8047.0202. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) Ruth Delaney;

11 (2) Tracy Butcher;

12 (3) Erica Tabrizi;

13 (4) Virginia Bryant; and

14 (5) Way Denkler.

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

16 (1) the date permanent directors are elected under
17 Section 8047.0103; or

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

20 (c) If permanent directors have not been elected under
21 Section 8047.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 8047.0103; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8047.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8047.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8047.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
19 52, Article III, Texas Constitution, the district may design,
20 acquire, construct, finance, issue bonds for, improve, operate,
21 maintain, and convey to this state, a county, or a municipality for
22 operation and maintenance macadamized, graveled, or paved roads, or
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 8047.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

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

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

10 Sec. 8047.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 Sec. 8047.0306. DIVISION OF DISTRICT. (a) The district may
17 be divided into two or more new districts only if:

18 (1) the district has no outstanding bonded debt; and

19 (2) the district is not imposing ad valorem taxes.

20 (b) This chapter applies to any new district created by the
21 division of the district, and a new district has all the powers and
22 duties of the district.

23 (c) Any new district created by the division of the district
24 may not, at the time the new district is created, contain any land
25 outside the area described by Section 2 of the Act enacting this
26 chapter.

27 (d) The board, on its own motion or on receipt of a petition

1 signed by the owner or owners of a majority of the assessed value of
2 the real property in the district, may adopt an order dividing the
3 district.

4 (e) The board may adopt an order dividing the district
5 before or after the date the board holds an election under Section
6 8047.0103 to confirm the creation of the district.

7 (f) An order dividing the district shall:

8 (1) name each new district;

9 (2) include the metes and bounds description of the
10 territory of each new district;

11 (3) appoint temporary directors for each new district;

12 and

13 (4) provide for the division of assets and liabilities
14 between or among the new districts.

15 (g) On or before the 30th day after the date of adoption of
16 an order dividing the district, the district shall file the order
17 with the commission and record the order in the real property
18 records of each county in which the district is located.

19 (h) Any new district created by the division of the district
20 shall hold a confirmation and directors' election as required by
21 Section 8047.0103.

22 (i) If the creation of the new district is confirmed, the
23 new district shall provide the election date and results to the
24 commission.

25 (j) Any new district created by the division of the district
26 must hold an election as required by this chapter to obtain voter
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

2 (k) Municipal consent to the creation of the district and to
3 the inclusion of land in the district granted under Section
4 8047.0104 acts as municipal consent to the creation of any new
5 district created by the division of the district and to the
6 inclusion of land in the new district.

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 8047.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

9 The district may issue, without an election, bonds and other
10 obligations secured by:

11 (1) revenue other than ad valorem taxes; or

12 (2) contract payments described by Section 8047.0403.

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

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

21 Sec. 8047.0402. OPERATION AND MAINTENANCE TAX. (a) If
22 authorized at an election held under Section 8047.0401, the
23 district may impose an operation and maintenance tax on taxable
24 property in the district in accordance with Section 49.107, Water
25 Code.

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

1 Sec. 8047.0403. CONTRACT TAXES. (a) In accordance with
2 Section 49.108, Water Code, the district may impose a tax other than
3 an operation and maintenance tax and use the revenue derived from
4 the tax to make payments under a contract after the provisions of
5 the contract have been approved by a majority of the district voters
6 voting at an election held for that purpose.

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

10 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

11 Sec. 8047.0501. AUTHORITY TO ISSUE BONDS AND OTHER
12 OBLIGATIONS. The district may issue bonds or other obligations
13 payable wholly or partly from ad valorem taxes, impact fees,
14 revenue, contract payments, grants, or other district money, or any
15 combination of those sources, to pay for any authorized district
16 purpose.

17 Sec. 8047.0502. TAXES FOR BONDS. At the time the district
18 issues bonds payable wholly or partly from ad valorem taxes, the
19 board shall provide for the annual imposition of a continuing
20 direct ad valorem tax, without limit as to rate or amount, while all
21 or part of the bonds are outstanding as required and in the manner
22 provided by Sections 54.601 and 54.602, Water Code.

23 Sec. 8047.0503. BONDS FOR ROAD PROJECTS. At the time of
24 issuance, the total principal amount of bonds or other obligations
25 issued or incurred to finance road projects and payable from ad
26 valorem taxes may not exceed one-fourth of the assessed value of the
27 real property in the district.

1 SECTION 2. The Harris-Waller Counties Municipal Utility
2 District No. 4 initially includes all the territory contained in
3 the following area:

4 TRACT 1 - 384.139 ACRES

5 Being a tract of land containing 384.139 acres located in the
6 H.&T.C.R.R. Co. Survey, Section 121, Abstract 201 (A-201), and the
7 J.W. McCutcheon Survey, Section 130, A-308, both in Waller County,
8 Texas. Said 384.139 acres being those certain call 383.1710 acre
9 and 1.00 acre tracts of land (styled "Tract 1" and "Tract 2",
10 respectively) recorded in the name of Kenneth Lee Freeman, Charles
11 Randall Freeman, David Wayne Freeman and Diana Lynn Ballard,
12 Trustees in Volume 471, Page 468 of the Waller County Deed Records
13 (W.C.D.R.). Said 384.139 acres being more particularly described
14 by metes and bounds as follows (bearings are referenced to the Texas
15 Coordinate System of 1983, South Central Zone, based on GPS
16 observations):

17 COMMENCING at a 1/2 inch iron rod found at the northwest
18 corner of said A-201, the northeast corner of the F. Eule Survey,
19 Section 112, A-373, the southeast corner of the H.&T.C.R.R. Co.
20 Survey, Section 111, A-172, and the F. Eule Survey, Section 120,
21 A-375, all in Waller County, Texas, being at the intersection of
22 Schlipf Road and Stockdick Road, and from which a 1/2 inch iron pipe
23 found at the northeast corner of said A-201 and northwest corner of
24 said A-308 bears North 87 degrees 59 minutes 16 seconds East, a
25 distance of 5,297.10 feet;

26 THENCE, with said Schlipf Road and the common line between
27 said A-201 and A-373, South 02 degrees 05 minutes 03 seconds East, a

1 distance of 2,779.90 feet to a Nail set in asphalt at the POINT OF
2 BEGINNING and northwest corner of aforesaid 383.1710 acre tract,
3 same being the southwest corner of the Dollins 281.50 acre tract;

4 THENCE, with the common line between said 383.1710 acre tract
5 and said Dollins 281.50 acre tract, North 87 degrees 54 minutes 31
6 seconds East, passing a 1/2 inch iron pipe found at 25.67 feet for
7 reference, and continuing for a total distance of 2,314.64 feet
8 (call 2,315.22 feet) to a 5/8 inch capped iron rod stamped "GBI
9 Partners" set at the northwest corner of the Dollins 10 acre tract;

10 THENCE, with the common lines between said 383.1710 acre
11 tract and said Dollins 10 acre tract, the following two (2) courses:

12 1.) South 02 degrees 05 minutes 59 seconds East, a
13 distance of 684.50 feet to a 5/8 inch capped iron rod stamped
14 "GBI Partners" set at the southwest corner of said Dollins 10
15 acre tract;

16 2.) North 87 degrees 54 minutes 31 seconds East, a
17 distance of 405.00 feet to a 5/8 inch capped iron rod stamped
18 "GBI Partners" set at the most southerly southeast corner of
19 said Dollins 10 acre tract, same being the southwest corner
20 of the aforesaid 1.00 acre tract;

21 THENCE, with the common lines between said 1.00 acre tract
22 and said Dollins 10 acre tract, the following two (2) courses:

23 1.) North 02 degrees 05 minutes 59 seconds West, a
24 distance of 159.00 feet to a 5/8 inch capped iron rod stamped
25 "GBI Partners" set at the northwest corner of said 1.00 acre
26 tract;

27 2.) South 87 degrees 41 minutes 42 seconds East, a

1 distance of 295.87 feet to a 5/8 inch capped iron rod stamped
2 "GBI Partners" set at the most easterly southeast corner of
3 said Dollins 10 acre tract, the northeast corner of said 1.00
4 acre tract and being on the most easterly west line of
5 aforesaid 383.1710 acre tract;

6 THENCE, with a common line between said 383.1710 acre tract
7 and said Dollins 10 acre tract, North 02 degrees 05 minutes 59
8 seconds West, a distance of 548.18 feet to a 5/8 inch capped iron
9 rod stamped "GBI Partners" set at the northeast corner of said
10 Dollins 10 acre tract and being on the south line of the aforesaid
11 Dollins 281.50 acre tract;

12 THENCE, with the north line of said 383.1710 acre tract and
13 the south line of said Dollins 281.50 acre tract and the Dollins
14 88.30 acre and 499.65 acre tracts, North 87 degrees 54 minutes 31
15 seconds East, passing the common line between aforesaid A-201 and
16 A-308 at 2,284.28 feet, and continuing for a total distance of
17 3,846.71 feet to a 5/8 inch capped iron rod found at the northeast
18 corner of said 383.1710 acre tract;

19 THENCE, with the east line of said 383.1710 acre tract and
20 west line of said Dollins 499.65 acre tract, South 02 degrees 07
21 minutes 54 seconds East, passing a 3/4 inch capped iron rod found at
22 2,469.93 feet for reference, and continuing for a total distance of
23 2,508.30 feet to the southeast corner of said 383.1710 acre tract,
24 being in Clay Road (call 60 feet wide as described in Volume 106,
25 Page 492 of the W.C.D.R.) and on the common line between aforesaid
26 A-308 and the H.&T.C.R.R. Co. Survey, Section 127, A-205, in Waller
27 County, Texas, and from which point a found nail in asphalt bears

1 North 88 degrees 00 minutes 59 seconds East, a distance of 0.78
2 feet;

3 THENCE, with said common line, the common line between
4 aforesaid A-201 and the T. Reese Survey, Section 122, A-333, in
5 Waller County, Texas, the south line of said 383.1710 acre tract and
6 said Clay Road, South 88 degrees 00 minutes 59 seconds West, passing
7 a 1/2 inch iron pipe found at 1,562.87 feet for reference and being
8 at the southwest corner of said A-308, the southeast corner of said
9 A-201, the northeast corner of said A-333 and the northwest corner
10 of said A-205, and continuing for a total distance of 6,863.43 feet
11 to a 1/2 inch iron rod found under asphalt at the southwest corner
12 of said 383.1710 acre tract and said A-201, same being the northwest
13 corner of said A-333, the southeast corner of aforesaid A-373 and
14 the northeast corner of the H.&T.C.R.R. Co. Survey, Section 109,
15 A-171, in Waller County, Texas, and being at the intersection of
16 aforesaid Schlipf Road and Clay Road;

17 THENCE, with the west line of said 383.1710 acre tract, the
18 common line between said A-201 and A-373, and said Schlipf Road,
19 North 02 degrees 05 minutes 03 seconds West, a distance of 2,495.42
20 feet (call 2,495.62 feet) to the POINT OF BEGINNING and containing
21 384.139 acres of land.

22 TRACT 2 - 655.54 ACRES

23 A METES & BOUNDS description of a 655.54 acre tract of land in
24 the H. & T. C. Railroad Company Survey Section 121, Abstract 201,
25 and the J. W. McCutcheon Survey, Section 130, Abstract 308, Waller
26 County, Texas, and the J. W. McCutcheon Survey, Abstract 1713,
27 Harris County, Texas, being the residue of that certain called

1 1,277.0358 acre tract recorded in Volume 313, Page 416, Deed
2 Records, Waller County, Texas, with all bearings based upon the
3 Texas Coordinate System of 1983, South Central Zone, based upon GPS
4 observations.

5 Beginning at a Mag nail set with shiner at the intersection of
6 Schlipf Road and Stockdick School Road for the northwest corner of
7 said called 1,277.0358 acre tract, for the northwest corner and
8 Place of Beginning of the herein described tract, said point being
9 the northwest corner of said Section 121, same being the northeast
10 corner of the adjoining Fred Eule Survey, Abstract 373, the
11 southeast corner of the adjoining H. & T. C. Railroad Company
12 Survey, Section 111, Abstract 172, and the southwest corner of the
13 adjoining Fred Eule Survey, Abstract 375, and the southwest corner
14 of an adjoining called 162.614 acre tract recorded under County
15 Clerk's File Number 1700518, Official Records, Waller County,
16 Texas;

17 Thence North 87 degrees 59 minutes 38 seconds East (called
18 South 89 degrees 56 minutes 36 seconds East) along the north line of
19 the herein described tract, the north line of said called
20 1,277.0358 acre tract, and the north line of said Section 121, same
21 being the south line of said adjoining Fred Eule Survey, Abstract
22 375, and the south line of said adjoining called 162.614 acre tract,
23 at 2,669.63 feet pass a 1/2 inch iron pipe found on said line for the
24 southeast corner of said adjoining called 162.614 acre tract, same
25 being the southwest corner of an adjoining called 1,263.584 acre
26 tract recorded in Volume 449, Page 312, Deed Records, Waller
27 County, Texas, at 3,117.89 feet pass a 1/2 inch iron pipe found on

1 said line, and continuing for a total distance of 5,297.06 feet
2 (called 5,297.44 feet) to a 1/2 inch iron pipe found for angle
3 point, said point being the northeast corner of said Section 121,
4 same being the northwest corner of the aforementioned Section 130,
5 same being the southeast corner of said adjoining Fred Eule Survey,
6 Abstract 375, same being the southwest corner of the adjoining H. &
7 T. C. Railroad Company Survey, Section 129, Abstract 204;

8 Thence North 87 degrees 58 minutes 20 seconds East (called
9 South 89 degrees 56 minutes 36 seconds East) along the north line of
10 the herein described tract, the north line of said called
11 1,277.0358 acre tract, and the north line of said Section 130, same
12 being the south line of said adjoining called 1,263.584 acre tract,
13 and the south line of said adjoining Section 129, 5,242.80 feet
14 (called 5,242.24 feet) to a Mag nail set with shiner in the
15 intersection of Stockdick School Road and Pitts Road for the
16 northeast corner of the herein described tract, the northeast
17 corner of said called 1,277.0358 acre tract, and the northeast
18 corner of said Section 130, same being the southeast corner of said
19 adjoining called 1,263.584 acre tract, and the southeast corner of
20 said adjoining Section 129, the southwest corner of the adjoining
21 George Spencer Survey, Abstract 1366, and the northwest corner of
22 the adjoining H. & T. C. Railroad Company Survey, Section 79,
23 Abstract 464;

24 Thence South 02 degrees 04 minutes 22 seconds East (called
25 South) along the east line of the herein described tract, the east
26 line of said called 1,277.0358 acre tract, and the east line of said
27 Section 130, same being the west line of said adjoining Section 79,

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1 as located in Pitts Road, 3,821.34 feet to a Mag nail set with
2 shiner for the upper southeast corner of the herein described
3 tract, being in the centerline of Cane Island Branch;

4 Thence along the centerline of Cane Island Branch, being the
5 common line of the herein described tract and an adjoining called
6 219.6424 acre tract recorded under County Clerk's File Number
7 1606411, Official Records, Waller County, Texas, with the following
8 courses and distances:

9 South 87 degrees 57 minutes 57 seconds West, 99.09 feet
10 (adjoiner called South 87 degrees 58 minutes 32 seconds West)
11 to beginning of a curve to the right;

12 Thence along said curve to the right having a central
13 angle of 30 degrees 51 minutes 03 seconds (adjoiner called 30
14 degrees 51 minutes 02 seconds), a radius of 724.84 feet
15 (adjoiner called 724.84 feet), an arc length of 390.29 feet
16 (adjoiner called 390.29 feet), and a chord bearing North 76
17 degrees 36 minutes 32 seconds West, 385.59 feet (adjoiner
18 called North 76 degrees 35 minutes 51 seconds West, 385.59
19 feet) to the end of said curve;

20 North 61 degrees 11 minutes 00 seconds West, 2,960.39
21 feet (adjoiner called North 61 degrees 10 minutes 25 seconds
22 West, 2,960.39 feet);

23 North 49 degrees 39 minutes 44 seconds West, 1,105.19
24 feet (adjoiner called North 49 degrees 39 minutes 09 seconds
25 West, 1,105.19 feet);

26 North 40 degrees 00 minutes 50 seconds West, 1,195.05
27 feet (adjoiner called North 40 degrees 20 minutes 25 seconds

1 West and North 42 degrees 36 minutes 30 seconds West);
2 North 56 degrees 39 minutes 14 seconds West, 96.20 feet;
3 North 67 degrees 38 minutes 55 seconds West, 56.40 feet;
4 North 89 degrees 09 minutes 58 seconds West, 187.42 feet
5 to a point in the centerline of Cane Island Branch for a
6 reentry corner to the herein described tract, said point
7 being the northwest corner of an adjoining called 5.7438 acre
8 tract (Tract II) recorded under County Clerk's File Number
9 1606411, Official Records, Waller County, Texas;

10 Thence along the common line of the herein described tract
11 and said adjoining called 5.7438 acre tract, and the aforementioned
12 adjoining called 219.6424 acre tract, with the following courses
13 and distances:

14 South 02 degrees 06 minutes 10 seconds East, 836.00 feet
15 (adjoiner called South 02 degrees 06 minutes 10 seconds East,
16 836.50 feet) to a found 5/8 inch iron rod with cap marked
17 "EIC";

18 North 88 degrees 01 minute 59 seconds East, 305.32 feet
19 (adjoiner called North 87 degrees 53 minutes 50 seconds East,
20 306.00 feet) to a found 5/8 inch iron rod with cap marked
21 "EIC";

22 South 02 degrees 09 minutes 36 seconds East, 971.68 feet
23 (adjoiner called South 02 degrees 06 minutes 10 seconds East)
24 to a found 5/8 inch iron rod with cap marked "EIC";

25 North 87 degrees 55 minutes 45 seconds East, 577.92 feet
26 (adjoiner called North 87 degrees 53 minutes 35 seconds East,
27 578.24 feet) to a found 1/2 inch iron pipe with cap marked

1 "Kalkomey Surveying";

2 South 02 degrees 22 minutes 45 seconds East, 466.63 feet
3 (adjoiner called South 02 degrees 21 minutes 12 seconds East,
4 466.69 feet) to a found 5/8 inch iron rod with cap marked
5 "EIC";

6 North 87 degrees 52 minutes 27 seconds East, 383.91 feet
7 (adjoiner called North 87 degrees 53 minutes 35 seconds East,
8 383.89 feet) to a found 5/8 inch iron rod with cap marked
9 "EIC";

10 South 02 degrees 08 minutes 09 seconds East (adjoiner
11 called South 02 degrees 08 minutes 28 seconds East) at
12 2,541.19 feet pass a 1/2 inch iron pipe found on said line at
13 its intersection with the apparent occupied north
14 right-of-way line of Clay Road, and continuing for a total
15 distance of 2,579.28 feet to a Mag nail found with shiner for
16 the most southerly southeast corner of the herein described
17 tract, said point being in the south line of said called
18 1,277.0358 acre tract and the south line of said Section 130,
19 same being the north line of the adjoining H. & T. C. Railroad
20 Company Survey, Section 127, Abstract 205, from which point a
21 found PK nail bears North 05 degrees 22 minutes 33 seconds
22 West, 0.44 feet;

23 Thence South 88 degrees 00 minutes 42 seconds West (called
24 North 89 degrees 54 minutes 46 seconds West) along the southernmost
25 line of the herein described tract, the south line of said called
26 1,277.0358 acre tract, and the south line of said Section 130, same
27 being the north line of said adjoining Section 127, as located in

1 Clay Road, 70.00 feet to a Mag nail found with shiner for the most
2 southerly southwest corner of the herein described tract, same
3 being the southeast corner of an adjoining called 383.1710 acre
4 tract (Tract 1) recorded under County Clerk's File Number 1803887,
5 Official Records, Waller County, Texas, from which point a found PK
6 nail bears North 04 degrees 29 minutes 12 seconds West, 0.57 feet;

7 Thence North 02 degrees 09 minutes 18 seconds West (adjoiner
8 called North 00 degrees 03 minutes 10 seconds West) along the common
9 line of the herein described tract and said adjoining called
10 383.1710 acre tract, at 37.93 feet pass a 1/2 inch iron pipe with
11 cap marked "Kalkomey Surveying" found on said line at its
12 intersection with the apparent occupied north right-of-way line of
13 Clay Road, and continuing for a total distance of 2,508.22 feet
14 (adjoiner called 2,508.29 feet) to a 1/2 inch iron pipe with cap
15 marked "Kalkomey Surveying" found for a reentry corner to the
16 herein described tract, same being the northeast corner of said
17 adjoining called 383.1710 acre tract;

18 Thence South 87 degrees 54 minutes 31 seconds West (adjoiner
19 called South 89 degrees 58 minutes 53 seconds West) continuing
20 along said common line, 3,846.70 feet (adjoiner called 3,846.70
21 feet) to a 5/8 inch iron rod with cap marked "Jones | Carter" set for
22 corner;

23 Thence South 02 degrees 06 minutes 27 seconds East (adjoiner
24 called South 00 degrees 01 minute 37 seconds East) continuing along
25 said common line, 548.18 feet to a 5/8 inch iron rod with cap marked
26 "Kalkomey Surveying" set for corner, said point being the northeast
27 corner of an adjoining called 1.00 acre tract (Tract 2) recorded

1 under County Clerk's File Number 1803887, Official Records, Waller
2 County, Texas, from which point a 3/4 inch iron rod found for the
3 southeast corner of said adjoining called 1.00 acre tract, same
4 being a reentry corner to said adjoining called 383.1710 acre
5 tract, bears South 02 degrees 06 minutes 27 seconds East, 136.61
6 feet;

7 Thence North 87 degrees 42 minutes 05 seconds West (adjoiner
8 called North 85 degrees 37 minutes 20 seconds West) along the common
9 line of the herein described tract and said adjoining called 1.00
10 acre tract, 295.87 feet (adjoiner called 295.87 feet) to a 5/8 inch
11 iron rod with cap marked "Kalkomey Surveying" set for a reentry
12 corner to the herein described tract, same being the northwest
13 corner of said adjoining called 1.00 acre tract;

14 Thence South 01 degree 31 minutes 04 seconds East (adjoiner
15 called South 00 degrees 01 minute 37 seconds East) continuing along
16 said common line, 159.00 feet (adjoiner called 159.00 feet) to a 5/8
17 inch iron rod with cap marked "Kalkomey Surveying" set for corner,
18 said point being the southwest corner of said adjoining called 1.00
19 acre tract, and being an interior line of the aforementioned
20 adjoining called 383.1710 acre tract;

21 Thence South 87 degrees 57 minutes 59 seconds West (adjoiner
22 called South 89 degrees 58 minutes 53 seconds West) along the common
23 line of the herein described tract and said adjoining called
24 383.1710 acre tract, 405.00 feet (adjoiner called 405.00 feet) to a
25 3/4 inch iron rod found for corner, said point being a reentry
26 corner to said adjoining called 383.1710 acre tract;

27 Thence North 01 degree 58 minutes 15 seconds West (adjoiner

1 called North 00 degrees 01 minute 37 seconds West) continuing along
2 said common line, 684.12 feet (adjoiner called 684.51 feet) to a
3 point in an 8-inch fence corner post for a reentry corner to the
4 herein described tract;

5 Thence South 87 degrees 54 minutes 31 seconds West (adjoiner
6 called South 89 degrees 58 minutes 53 seconds West) continuing
7 along said common line, at 2,288.94 feet pass a 1/2 inch iron pipe
8 found on said line at its intersection with the apparent occupied
9 east right-of-way line of Schlipf Road, and continuing for a total
10 distance of 2,314.47 feet (adjoiner called 2,315.22 feet) to a Mag
11 nail set with shiner for a southwest corner of the herein described
12 tract, same being the northwest corner of said adjoining called
13 383.1710 acre tract, said point being in the west line of said
14 called 1,277.0358 acre tract and the west line of the
15 aforementioned Section 121, same being the east line of the
16 aforementioned adjoining Fred Eule Survey, Abstract 373, from which
17 point a bolt spike found for the southwest corner of said adjoining
18 called 383.1710 acre tract bears South 02 degrees 05 minutes 05
19 seconds East, 2,495.34 feet (adjoiner called South 00 degrees 01
20 minute 07 seconds East, 2,495.62 feet);

21 Thence North 02 degrees 05 minutes 05 seconds West (called
22 North 00 degrees 01 minute 07 seconds West) along the west line of
23 the herein described tract, the west line of said called 1,277.0358
24 acre tract, and the west line of said Section 121, same being the
25 east line of said adjoining Fred Eule Survey, Abstract 373, as
26 located in Schlipf Road, 445.91 feet to a Mag nail set with shiner
27 for corner;

1 Thence North 87 degrees 53 minutes 06 seconds East, 25.00
2 feet to a 6-inch steel post found for corner, said point being the
3 southwest corner of an adjoining called 3.329 acre tract recorded
4 in Volume 1168, Page 008, Official Records, Waller County, Texas;

5 Thence North 56 degrees 14 minutes 23 seconds East (adjoiner
6 called North 58 degrees 15 minutes 22 seconds East) along the common
7 line of the herein described tract and said adjoining called 3.329
8 acre tract, 778.87 feet (adjoiner called 778.87 feet) to a 5/8 inch
9 iron rod with cap marked "Kalkomey Surveying" set for a reentry
10 corner to the herein described tract, same being the southeast
11 corner of said adjoining called 3.329 acre tract;

12 Thence North 02 degrees 45 minutes 16 seconds West (adjoiner
13 called North 00 degrees 10 minutes 26 seconds West) continuing
14 along said common line, 180.00 feet (adjoiner called 180.00 feet)
15 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found
16 for a reentry corner to the herein described tract, same being the
17 northeast corner of said adjoining called 3.329 acre tract;

18 Thence South 88 degrees 00 minutes 41 seconds West (adjoiner
19 called South 89 degrees 58 minutes 37 seconds West) continuing
20 along said common line, 271.83 feet (adjoiner called 273 .00 feet)
21 to a 1/2 inch iron pipe found for a reentry corner to the herein
22 described tract, same being the upper northwest corner of said
23 adjoining called 3.329 acre tract;

24 Thence South 02 degrees 18 minutes 47 seconds East (adjoiner
25 called South 00 degrees 10 minutes 26 seconds East) continuing
26 along said common line, 78.92 feet to a 1/2 inch iron pipe found for
27 corner, said point being the northeast corner of an adjoining

1 called 2.000 acre tract recorded under County Clerk's File Number
2 1505672, Official Records, Waller County, Texas;

3 Thence South 87 degrees 54 minutes 49 seconds West (adjoiner
4 called West) along an interior line of the herein described tract,
5 same being the north line of said adjoining called 2.000 acre tract,
6 at 389.97 feet pass a 1/2 inch iron pipe with cap marked "Kalkomey
7 Surveying" found on said line at its intersection with the apparent
8 occupied east right-of-way line of Schlipf Road, and continuing for
9 a total distance of 414.22 feet (adjoiner called 414 .05 feet) to a
10 Mag nail set with shiner for the upper southwest corner of the
11 herein described tract, same being the northwest corner of said
12 adjoining called 2.000 acre tract, said point being in the west line
13 of the aforementioned called 1,277.0358 acre tract and the west
14 line of the aforementioned Section 121, same being the east line of
15 the aforementioned adjoining Fred Eule Survey, Abstract 373;

16 Thence North 02 degrees 05 minutes 05 seconds West (called
17 North 00 degrees 01 minute 07 seconds West) along the west line of
18 the herein described tract, the west line of said called 1,277.0358
19 acre tract, and the west line of said Section 121, same being the
20 east line of said adjoining Fred Eule Survey, Abstract 373, as
21 located in Schlipf Road, 1,823.78 feet to the Place of Beginning and
22 containing 655.54 acres of land, more or less.

23 SECTION 3. (a) The legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2 Government Code.

3 (b) The governor, one of the required recipients, has
4 submitted the notice and Act to the Texas Commission on
5 Environmental Quality.

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

10 (d) All requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act are fulfilled
13 and accomplished.

14 SECTION 4. (a) If this Act does not receive a two-thirds
15 vote of all the members elected to each house, Subchapter C, Chapter
16 8047, Special District Local Laws Code, as added by Section 1 of
17 this Act, is amended by adding Section 8047.0307 to read as follows:

18 Sec. 8047.0307. NO EMINENT DOMAIN POWER. The district may
19 not exercise the power of eminent domain.

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

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