

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 20, 2021

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
Capitol Station  
PO Box 12068  
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 2153, as Filed by Senator Lois Kolkhorst - Relating to the creation of the Fort Bend County Municipal Utility District No. 251; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

  
Cari-Michel La Caille, Director  
Water Supply Division

cc: Honorable Paul Bettencourt, Chairman, Senate Local Government Committee  
Senator Lois Kolkhorst, Texas Senate

Enclosure

**SB 2153, as Filed by Senator Lois Kolkhorst  
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Fort Bend County Municipal Utility District No. 251 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

**Comments on Powers/Duties Different from Similar Types of Districts:** The District must receive consent to the creation of the District from each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to holding a confirmation election. The bill specifies requirements for designating a board meeting location. The bill grants the District authority for road projects. The bill allows the District to divide. The bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District. If the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

**Overlapping Services:** TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

**TCEQ's Supervision:** As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL  
TEXAS SENATE  
STATE OF TEXAS

**SB 2153**

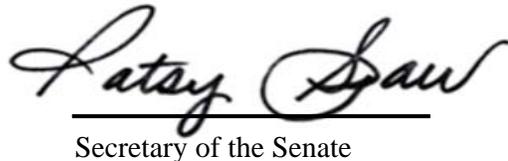
Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

3/22/2021

Date transmitted to  
Governor's Office



Secretary of the Senate

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

March 26, 2021

Date transmitted to  
Texas Commission on Environmental Quality



Governor

TO: The Honorable President of the Senate  
The Honorable Speaker of the House of Representatives  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality

By: Kolkhorst

S.B. No. 2153

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Fort Bend County Municipal Utility  
3 District No. 251; 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 7915A to read as follows:

9 CHAPTER 7915A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 251

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7915A.0101. DEFINITIONS. In this chapter:

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

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

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

16 (4) "District" means the Fort Bend County Municipal  
17 Utility District No. 251.

18 Sec. 7915A.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7915A.0103. CONFIRMATION AND DIRECTOR ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 7915A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7915A.0103 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 7915A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16       Sec. 7915A.0106. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

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

23           (1) organization, existence, or validity;

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

27           (3) right to impose a tax; or

1           (4) legality or operation.

2                   SUBCHAPTER B. BOARD OF DIRECTORS

3           Sec. 7915A.0201. GOVERNING BODY; TERMS. (a) The district  
4 is governed by a board of five elected directors.

5           (b) Except as provided by Section 7915A.0202, directors  
6 serve staggered four-year terms.

7           Sec. 7915A.0202. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) Adam Baker;

10                   (2) Justin Waggoner;

11                   (3) Michael Binick;

12                   (4) Tyler Horne; and

13                   (5) Eric Vanderbilt.

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

15                   (1) the date permanent directors are elected under  
16 Section 7915A.0103; or

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

19           (c) If permanent directors have not been elected under  
20 Section 7915A.0103 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 7915A.0103; or

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

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

8       Sec. 7915A.0203. DESIGNATED BOARD MEETING LOCATION. (a)  
9 The board shall designate a meeting place inside the district for  
10 conducting the meetings of the board. The meeting place designated  
11 may be a private residence or office, provided that, in the order  
12 designating the meeting place, the board declares the place where  
13 the meeting is held to be a public place and invites the public to  
14 attend any meeting of the board held in that place.

15       (b) If the board establishes that no suitable place exists  
16 for meeting inside the district, the board may designate a meeting  
17 place outside the district. The board shall give notice of the  
18 location of a meeting place outside the district by:

19               (1) filing a copy of the resolution designating the  
20 location and a justification of why the meeting will not be held in  
21 the district or within 10 miles of the boundary of the district, if  
22 applicable, with the commission; and

23               (2) publishing notice of the location in a newspaper  
24 of general circulation in the district.

25       (c) If the board changes the location of a meeting place  
26 outside the district, the board shall give notice of the change in  
27 the manner described by Subsection (b).

1                   SUBCHAPTER C. POWERS AND DUTIES

2           Sec. 7915A.0301. GENERAL POWERS AND DUTIES. The district  
3 has the powers and duties necessary to accomplish the purposes for  
4 which the district is created.

5           Sec. 7915A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
6 DUTIES. The district has the powers and duties provided by the  
7 general law of this state, including Chapters 49 and 54, Water Code,  
8 applicable to municipal utility districts created under Section 59,  
9 Article XVI, Texas Constitution.

10          Sec. 7915A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
11 Section 52, Article III, Texas Constitution, the district may  
12 design, acquire, construct, finance, issue bonds for, improve,  
13 operate, maintain, and convey to this state, a county, or a  
14 municipality for operation and maintenance macadamized, graveled,  
15 or paved roads, or improvements, including storm drainage, in aid  
16 of those roads.

17          Sec. 7915A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
18 road project must meet all applicable construction standards,  
19 zoning and subdivision requirements, and regulations of each  
20 municipality in whose corporate limits or extraterritorial  
21 jurisdiction the road project is located.

22          (b) If a road project is not located in the corporate limits  
23 or extraterritorial jurisdiction of a municipality, the road  
24 project must meet all applicable construction standards,  
25 subdivision requirements, and regulations of each county in which  
26 the road project is located.

27          (c) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and  
2 specifications of the road project.

3 Sec. 7915A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
4 ORDINANCE OR RESOLUTION. The district shall comply with all  
5 applicable requirements of any ordinance or resolution that is  
6 adopted under Section 54.016 or 54.0165, Water Code, and that  
7 consents to the creation of the district or to the inclusion of land  
8 in the district.

9 Sec. 7915A.0306. DIVISION OF DISTRICT. (a) The district  
10 may be divided into two or more new districts only if the district:

11 (1) has no outstanding bonded debt; and

12 (2) is not imposing ad valorem taxes.

13 (b) This chapter applies to any new district created by  
14 division of the district, and a new district has all the powers and  
15 duties of the district.

16 (c) A new district created by the division of the district  
17 may not, at the time the new district is created, contain any land  
18 outside the area described by Section 2 of the Act enacting this  
19 chapter.

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

24 (e) The board may adopt an order dividing the district  
25 before or after the date the board holds an election under Section  
26 7915A.0103 to confirm the district's creation.

27 (f) An order dividing the district shall:

- 1           (1) name each new district;
- 2           (2) include the metes and bounds description of the
- 3 territory of each new district;
- 4           (3) appoint temporary directors for each new district;
- 5 and
- 6           (4) provide for the division of assets and liabilities
- 7 between the new districts.

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

12           (h) A new district created by the division of the district  
13 shall hold a confirmation and directors' election as required by  
14 Section 7915A.0103.

15           (i) If the creation of the new district is confirmed, the  
16 new district shall provide the election date and results to the  
17 commission.

18           (j) A new district created by the division of the district  
19 must hold an election as required by this chapter to obtain voter  
20 approval before the district may impose a maintenance tax or issue  
21 bonds payable wholly or partly from ad valorem taxes.

22           (k) Municipal consent to the creation of the district and to  
23 the inclusion of land in the district granted under Section  
24 7915A.0104 acts as municipal consent to the creation of any new  
25 district created by the division of the district and to the  
26 inclusion of land in the new district.

27           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7915A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

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

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7915A.0403.

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

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

Sec. 7915A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7915A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 7915A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

4               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5       Sec. 7915A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
6 OBLIGATIONS. The district may issue bonds or other obligations  
7 payable wholly or partly from ad valorem taxes, impact fees,  
8 revenue, contract payments, grants, or other district money, or any  
9 combination of those sources, to pay for any authorized district  
10 purpose.

11       Sec. 7915A.0502. TAXES FOR BONDS. At the time the district  
12 issues bonds payable wholly or partly from ad valorem taxes, the  
13 board shall provide for the annual imposition of a continuing  
14 direct ad valorem tax, without limit as to rate or amount, while all  
15 or part of the bonds are outstanding as required and in the manner  
16 provided by Sections 54.601 and 54.602, Water Code.

17       Sec. 7915A.0503. BONDS FOR ROAD PROJECTS. At the time of  
18 issuance, the total principal amount of bonds or other obligations  
19 issued or incurred to finance road projects and payable from ad  
20 valorem taxes may not exceed one-fourth of the assessed value of the  
21 real property in the district.

22       SECTION 2. The Fort Bend County Municipal Utility District  
23 No. 251 initially includes all the territory contained in the  
24 following area:

25               TRACT 1 of 2 (145.368 acres)

26               Being a tract containing 145.368 acres of land located in the  
27 Jane Wilkins One League Grant, Abstract No. 96, Fort Bend County,

1 Texas. Said 145.368 acres being a call 145.368 acre tract of land,  
2 styled as Tract III, recorded in the name of the 300 Acres LLC under  
3 Fort Bend County Clerk's File (F.B.C.C.F.) No. 2017087205. Said  
4 145.368 acres of land being more particularly described by metes  
5 and bounds as follows (Bearings are referenced to the Texas  
6 Coordinate System of 1983, South Central Zone, as derived from GPS  
7 observations):

8 BEGINNING at a 5/8 inch capped iron rod (stamp illegible)  
9 found at the southwest corner of said 145.368 acre tract, the  
10 northwest corner of a call 317.812 acre tract of land, styled as  
11 Tract One, recorded in the name of RES/VLS Real Estate Limited  
12 Partnership under F.B.C.C.F. No. 2018058651 and being on the east  
13 right-of-way (R.O.W.) line of Harlem Road (width varies) as  
14 recorded in F.B.C.C.F. Nos. 2011015402 and 2015075797 and Volume  
15 63, Page 203 of the Fort Bend County Deed Records (F.B.C.D.R.), from  
16 which a 5/8 inch capped iron rod stamped "1943 4349 5829" bears  
17 South 86 degrees 49 minutes 01 seconds West, a distance of 122.03  
18 feet;

19 THENCE, with said east R.O.W. line, the following eight (8)  
20 courses:

21 1. North 02 degrees 07 minutes 03 seconds West, a distance  
22 of 1,332.59 feet to a 5/8 inch iron rod found (disturbed) at a point  
23 of curvature to the left;

24 2. 100.26 feet along the arc of said curve, having a radius  
25 of 23,989.95 feet, a central angle of 00 degrees 14 minutes 22  
26 seconds, and a chord which bears North 02 degrees 14 minutes 14  
27 seconds West, a distance of 100.26 feet to a 5/8 inch iron rod found

1 at a point of tangency;

2 3. North 02 degrees 21 minutes 25 seconds West, a distance  
3 of 229.64 feet to a point of curvature to the left from which point a  
4 5/8 inch iron rod found bears North 09 degrees 27 minutes 04 seconds  
5 East, a distance of 0.42 feet;

6 4. 100.66 feet along the arc of said curve, having a radius  
7 of 10,506.91 feet, a central angle of 00 degrees 32 minutes 56  
8 seconds, and a chord which bears North 02 degrees 37 minutes 53  
9 seconds West, a distance of 100.65 feet to a 5/8 inch capped iron  
10 rod stamped "Landtech" found at a point of tangency;

11 5. North 02 degrees 54 minutes 21 seconds West, a distance  
12 of 500.14 feet to a 5/8 inch iron rod found at a point of curvature  
13 to the left;

14 6. 100.67 feet along the arc of said curve, having a radius  
15 of 10,758.45 feet, a central angle of 00 degrees 32 minutes 10  
16 seconds, and a chord which bears North 03 degrees 10 minutes 26  
17 seconds West, a distance of 100.67 feet to a 5/8 inch capped iron  
18 rod stamped "Landtech" found at a point of tangency;

19 7. North 03 degrees 26 minutes 31 seconds West, a distance  
20 of 577.51 feet to a 5/8 inch capped iron rod (stamp illegible)  
21 found;

22 8. North 07 degrees 26 minutes 39 seconds East, a distance  
23 of 74.13 feet a 5/8 inch iron rod found at the northwest corner of  
24 said 145.368 acre tract and on the south line of a call 70 foot  
25 drainage canal (Fourth Tract) recorded in the name of Fort Bend  
26 County Drainage District in Volume 331, Page 468, F.B.C.D.R.;

27 THENCE with the south line of said 70 foot drainage canal, the

1 following seventeen (17) courses:

2           1. South 60 degrees 53 minutes 52 seconds East, a distance  
3 of 306.17 feet to a 5/8 inch iron rod found;

4           2. South 69 degrees 40 minutes 19 seconds East, a distance  
5 of 478.71 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
6 found;

7           3. South 52 degrees 56 minutes 36 seconds East, a distance  
8 of 366.41 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
9 set;

10          4. South 45 degrees 25 minutes 47 seconds East, a distance  
11 of 500.58 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
12 found;

13          5. South 57 degrees 59 minutes 59 seconds East, a distance  
14 of 355.33 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
15 found;

16          6. South 63 degrees 30 minutes 30 seconds East, a distance  
17 of 557.67 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
18 found;

19          7. South 56 degrees 32 minutes 29 seconds East, a distance  
20 of 237.63 feet to a 5/8 inch capped iron rod stamped "GBI Partners"  
21 set;

22          8. South 47 degrees 43 minutes 07 seconds East, a distance  
23 of 235.69 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
24 found;

25          9. South 36 degrees 54 minutes 04 seconds East, a distance  
26 of 578.06 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
27 found;

1           10. South 51 degrees 53 minutes 46 seconds East, a distance  
2 of 306.04 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
3 found;

4           11. South 79 degrees 35 minutes 06 seconds East, a distance  
5 of 224.59 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
6 found;

7           12. South 70 degrees 32 minutes 04 seconds East, a distance  
8 of 118.34 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
9 found;

10          13. South 57 degrees 43 minutes 30 seconds East, a distance  
11 of 259.63 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
12 found;

13          14. South 72 degrees 42 minutes 40 seconds East, a distance  
14 of 146.64 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
15 found;

16          15. North 86 degrees 24 minutes 38 seconds East, a distance  
17 of 227.86 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
18 found;

19          16. North 77 degrees 35 minutes 31 seconds East, a distance  
20 of 163.54 feet to a 5/8 inch capped iron rod stamped "Texas GLO"  
21 found;

22          17. North 72 degrees 52 minutes 13 seconds East, a distance  
23 of 112.09 feet to a T-post found on the west line of a call 143.287  
24 acre tract of land, styled as Tract IV, recorded in the name of 300  
25 Acres LLC under F.B.C.C.F. No. 2017087205;

26            THENCE, with said west line, South 02 degrees 59 minutes 48  
27 seconds East, a distance of 333.45 feet to the north line of a call

S.B. No. 2153

1 107.128 acre tract of land, styled as Tract 9B, recorded in the name  
2 of RES/VLS Real Estate Limited Partnership under F.B.C.C.F.  
3 No. 9632563, from which point a 5/8 inch iron rod found (disturbed)  
4 bears North 02 degrees 59 minutes 48 seconds West, a distance of  
5 1.86 feet;

6 THENCE, with said north line and the north line of aforesaid  
7 317.812 acre tract, South 86 degrees 49 minutes 01 seconds West, a  
8 distance of 4,213.36 feet to the POINT OF BEGINNING and containing  
9 145.368 acres of land.

10 TRACT 2 of 2 (89.504 net acres)

11 Being 143.287 acres of land in the Jane Wilkins One League  
12 Grant, Abstract No. 96, and the Jesse H. Cartwright One League  
13 Grant, Abstract No. 16, Fort Bend County, Texas. Said 143.287 acres  
14 of land being that certain call 7.39 acre (Tract Six) tract of land  
15 and that certain call 100.16 acre (Tract Seven) tract of land  
16 recorded in the name of State of Texas, for the use and benefit of  
17 the Permanent School Fund, under Fort Bend County Clerk's File  
18 (F.B.C.C.F.) No. 2004060103 and amended under 2004075320, and that  
19 certain call 35.72 acre (Part 2) tract of land recorded in the name  
20 of State of Texas, for the use and benefit of the Permanent School  
21 Fund, under F.B.C.C.F. No. 2004060102 and amended under  
22 2008106694. Said 143.287 acres also being a portion of that certain  
23 tract of land described as 957 acres in a deed dated February 19,  
24 1908 from Mollie C. Riddick to the Board of Penitentiary  
25 Commissioners of the State of Texas as recorded in Volume 43, Page  
26 209 of the Fort Bend County Deed Records (F.B.C.D.R.); said 143.287  
27 acres of land being more particularly described by metes and bounds

1 as follows (Bearings are referenced to the Texas Coordinate System  
2 of 1983, South Central Zone, as derived from GPS observations):

3 BEGINNING at a 5/8 inch capped iron rod found in the  
4 Southwesterly line of a call 97.179 acre (Parcel 9) tract of land  
5 for controlled access highway facility (State Highway No. 99;  
6 locally known as Grand Parkway) recorded in the name of Texas  
7 Transportation Commission under F.B.C.C.F. No. 9203043, for the  
8 Northwest corner and call Point of Beginning of said 35.72 acres;

9 THENCE, with said Southwesterly line and the Northeasterly  
10 line of said 35.72 acres and said 100.16 acres, the following three  
11 (3) courses:

12 1. South 23 degrees 18 minutes 03 seconds East (call South  
13 20 degrees 38 minutes 03 seconds East), at 864.59 feet (call 864.65  
14 feet) pass a 5/8 inch capped iron rod set for the Northeast corner  
15 of said 35.72 acres and the Northwest corner of said 100.16 acres,  
16 and continuing for a total distance of 3,526.81 feet to a TXDOT disc  
17 found for the beginning of a tangent curve to the left;

18 2. 1,941.45 feet (call 1,941.59 feet), along the arc of  
19 said curve to the left, having a radius of 5,879.58 feet, a central  
20 angle of 18 degrees 55 minutes 09 seconds (call 18 degrees 55  
21 minutes 14 seconds), and a chord which bears South 32 degrees 45  
22 minutes 37 seconds East (call South 30 degrees 05 minutes 42 seconds  
23 East), a distance of 1,932.64 feet (call 1,932.80 feet) to a  
24 concrete monument found for tangency;

25 3. South 42 degrees 13 minutes 12 seconds East (call South  
26 39 degrees 32 minutes 48 seconds East), a distance of 771.91 feet  
27 (call 771.54 feet) to the North line of a call 52.12 acre tract

1 (Fifth Tract) recorded in the name of Sandra Ann Smith Austin in  
2 Volume 663, Page 770 F.B.C.D.R., for the Southeast corner of said  
3 100.16 acres, from which point a found 5/8 inch iron rod bears South  
4 86 degrees 49 minutes 34 seconds West, a distance of 0.42 feet;

5       THENCE, with said North line and the South line of said 100.16  
6 acres, South 86 degrees 49 minutes 34 seconds West, a distance of  
7 861.83 feet (call 861.54 feet) to the Northwest corner of said 52.12  
8 acres, same being the Northeast corner of a call 107.128 acre tract  
9 (Tract 9B) recorded in the name of RES/VLS Real Estate Limited  
10 Partnership under F.B.C.C.F. No. 9632563, from which point a found  
11 5/8 inch iron rod bears North 02 degrees 39 minutes 48 seconds West,  
12 a distance of 0.38 feet;

13       THENCE, with the North line of said 107.128 acres and the  
14 South line of said 100.16 acres, said 7.39 acres, and said 35.72  
15 acres, South 86 degrees 49 minutes 01 seconds West, at 1,509.50  
16 feet pass the Southwest corner of the aforementioned 7.39 acres and  
17 the Southeast corner of the aforementioned 35.72 acres, from which  
18 point a found 5/8 inch iron rod bears North 02 degrees 59 minutes 48  
19 seconds West, a distance of 1.68 feet and continuing for a total  
20 distance of 1,809.52 feet to the Southwest corner of said 35.72  
21 acres and the Southeast corner of a call 154.59 acre tract recorded  
22 in the name of State of Texas, for the use and benefit of the  
23 Permanent School Fund under F.B.C.C.F. No. 2004060103 and amended  
24 under F.B.C.C.F. No. 2004075320, from which point a found 5/8 inch  
25 iron rod bears North 02 degrees 59 minutes 48 seconds West, a  
26 distance of 1.86 feet;

27       THENCE, with the West line of said 35.72 acres, North 02

S.B. No. 2153

1 degrees 59 minutes 48 seconds West, at 333.45 feet pass the  
2 Northeast corner of said 154.59 acres and continuing for a total  
3 distance of 5,591.90 feet (call 5,591.99 feet) to the POINT OF  
4 BEGINNING and containing 143.287 acres of land.

5 SAVE AND EXCEPT the following two tracts:

6 Tract A: Being a tract containing 9.477 acres of land located  
7 in the Jane Wilkins One League Grant, Abstract No. 96, in Fort Bend  
8 County, Texas. Said 9.477 acres being a portion of a call 143.287  
9 acre tract of land, styled Tract IV, recorded in the name of 300  
10 Acres LLC in Fort Bend County Clerk's File (F.B.C.C.F.)  
11 No. 2017087205. Said 9.447 acres of land being more particularly  
12 described by metes and bounds as follows (Bearings are referenced  
13 to the Texas Coordinate System of 1983, South Central Zone, as  
14 derived from GPS observations):

15 BEGINNING at a 5/8 inch iron rod found at the most northerly  
16 corner of said 143.287 acre tract and being on the westerly  
17 Right-of-Way (R.O.W.) line of Grand Parkway (S.H. 99), a controlled  
18 access highway facility (width varies) and a call 97.179 acre tract  
19 of land, styled Parcel 9, recorded in the name of Texas  
20 Transportation Commission under F.B.C.C.F. No. 9203043, from which  
21 a 5/8 inch capped iron rod stamped "Texas GLO" found at the  
22 southeast corner of a call 168.253 acre tract of land, styled Tract  
23 1, recorded in the name of Grand Parkway 1358 LP under F.B.C.C.F.  
24 No. 2014037769 bears North 23 degrees 18 minutes 03 seconds West, a  
25 distance of 5,435.63 feet;

26 THENCE, with said westerly R.O.W. line and west line of said  
27 97.179 acre tract, South 23 degrees 18 minutes 03 seconds East, at a

1 distance of 864.57 feet pass a 5/8 inch iron rod found, and  
2 continuing for a total distance of 1,815.94 feet to the northwest  
3 intersection of said Grand Parkway and Owens Road (100- foot width)  
4 as described in F.B.C.C.F. No. 2016063197;

5       THENCE, with the north R.O.W. line of said Owens Road, North  
6 61 degrees 03 minutes 29 seconds West, at a distance of 0.55 feet  
7 pass a 5/8 inch capped iron rod stamped "Town & Country" found and  
8 continuing for a total distance of 742.55 feet to a 5/8 inch capped  
9 iron rod stamped "Town & Country" found on the west line of said  
10 143.287 acre tract;

11       THENCE, with said west line, North 02 degrees 59 minutes 48  
12 seconds West, a distance of 1,310.29 feet to the POINT OF BEGINNING  
13 and containing 9.477 acres of land.

14       Tract B: Being a tract containing 44.306 acres of land  
15 located in the Jane Wilkins One League Grant, Abstract No. 96, in  
16 Fort Bend County, Texas. Said 44.306 acres being a portion of a call  
17 143.287 acre tract of land, styled Tract IV, recorded in the name of  
18 300 Acres LLC in Fort Bend County Clerk's File (F.B.C.C.F.)  
19 No. 2017087205. Said 44.306 acres of land being more particularly  
20 described by metes and bounds as follows (Bearings are referenced  
21 to the Texas Coordinate System of 1983, South Central Zone, as  
22 derived from GPS observations):

23       BEGINNING at a 5/8 inch iron rod found at the intersection of  
24 the west line of said 143.287 acre tract and the south Right-of-Way  
25 (R.O.W.) line of Owens Road (100-foot width) as described in  
26 F.B.C.C.F. No. 2016063197 from which a 5/8 inch iron rod found at  
27 the most northerly corner of said 143.287 acre tract and being on

1 the westerly Right-of-Way (R.O.W.) line of Grand Parkway (S.H. 99),  
2 a controlled access highway facility (width varies) and a call  
3 97.179 acre tract of land, styled Parcel 9, recorded in the name of  
4 Texas Transportation Commission under F.B.C.C.F. No. 9203043 bears  
5 North 02 degrees 59 minutes 48 seconds West, a distance of 1,428.13  
6 feet;

7       THENCE, with said south R.O.W. line, South 61 degrees 03  
8 minutes 29 seconds East, at a distance of 808.78 feet pass a 5/8  
9 inch capped iron rod stamped "Town & Country" found and continuing  
10 for a distance of 809.33 feet to the southwest intersection of said  
11 Owens Road and said Grand Parkway;

12       THENCE, with the westerly R.O.W. line of said Grand Parkway  
13 and west line of said 97.179 acre tract, the following two (2)  
14 courses:

15       1.) South 23 degrees 18 minutes 03 seconds East, a distance  
16 of 1,547.55 feet to a Texas Department of Transportation (TXDOT)  
17 disc found at a point of curvature to the left;

18       2.) 332.80 feet along the arc of said curve, having a radius  
19 of 5,879.58 feet, a central angle of 03 degrees 14 minutes 35  
20 seconds, and a chord which bears South 24 degrees 55 minutes 20  
21 seconds East, a distance of 332.75 feet to a 5/8 inch capped iron  
22 rod stamped "GBI Partners" set;

23       THENCE, through and across said 143.287 acre tract, South 87  
24 degrees 00 minutes 12 seconds West, a distance of 1,348.06 feet to a  
25 5/8 inch capped iron rod stamped "GBI Partners" set on the west line  
26 of said 143.287 acre tract and at the southwest corner of the herein  
27 described tract from which a T-post found on said west line and at

1 the northeast corner of a call 145.368 acre tract of land, styled  
2 Tract III, recorded in the name of 300 Acres LLC in F.B.C.C.F.  
3 2017087205 bears South 02 degrees 59 minutes 48 seconds East, a  
4 distance of 1,642.09 feet;

5 THENCE, with said west line, North 02 degrees 59 minutes 48  
6 seconds West, at a distance of 2,188.22 feet to the POINT OF  
7 BEGINNING and containing 44.306 acres of land.

8 The total acreage of Tract 2 being 143.287 acres, save and  
9 except 9.477 acres and 44.305 acres, for a total of 89.504 acres.

10 The total acreage of the district being 234.872 acres,  
11 consisting of 145.368 in Tract 1 and 89.504 acres in Tract 2.

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

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

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

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

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

3 SECTION 4. (a) If this Act does not receive a two-thirds  
4 vote of all the members elected to each house, Subchapter C, Chapter  
5 7915A, Special District Local Laws Code, as added by Section 1 of  
6 this Act, is amended by adding Section 7915A.0307 to read as  
7 follows:

8 Sec. 7915A.0307. NO EMINENT DOMAIN POWER. The district may  
9 not exercise the power of eminent domain.

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

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2021.

2-14

The Muller Law Group

FBC MUD 251

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of Fort Bend Herald and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

- 1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

2-14

\_\_\_\_\_, A.D. 2021

[Signature]

Lee Hartman
Publisher

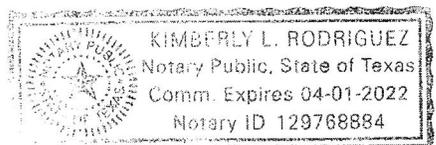
SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

b) provided the following evidence to establish his/her identity, \_\_\_\_\_

on this the 22 day of February, A.D. 2021 to certify which witness my hand and seal of office.

[Signature]
Notary Public, State of Texas



(CLIPPING) (S)

NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE OF TEXAS
Notice is hereby given of the intention to introduce in the Regular Session of the 87th Legislature of Texas a bill creating and establishing a special district consisting of approximately 235 acres and located partially within the extrajurisdictional jurisdiction of the City of Richmond, Texas, and wholly within Fort Bend County, Texas, to be known as Fort Bend County Municipal Utility District No. 251, under the provisions of Article 18, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special governmental agencies and districts, with powers including those given to municipal utility districts operating pursuant to Chapters 49 and 54, Texas Water Code, and including road powers under Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. The property proposed to be included within the district is generally located southwest of the intersection of State Highway 99 Grand Parkway and Owens Road. The costs for the publication of this notice were paid by The Muller Law Group, PLLC, and a full copy of the legal description of the property can be obtained by calling Nancy Carter at (281) 500-6050.

2-14

The Muller Law Group

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2-14

\_\_\_\_\_, A.D. 2021

[Signature]

Lee Hartman
Publisher

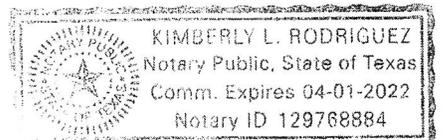
SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

b) provided the following evidence to establish his/her identity, \_\_\_\_\_

on this the 22 day of February, A.D. 2021 to certify which witness my hand and seal of office.

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