

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 30, 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) 2189, as Filed by Senator Lois Kolkhorst - Relating to the creation of the Austin County Municipal Utility District No. 1; 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,

A handwritten signature in cursive script that reads "Cari-Michel La Caille".

Cari-Michel La Caille, Director  
Water Supply Division

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

Enclosure

**SB 2189, 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 Austin County Municipal Utility District No. 1 (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 requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district. The bill specifies requirements for designating a board meeting location. The bill grants the District authority for road projects. The bill specifies that if all or any part of the territory of the District is annexed by the City of Sealy, Texas, into the City's corporate limits, the District retains all of the District's outstanding debt and obligations and is not dissolved. 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 2189**

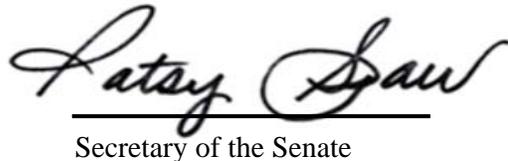
Bill Number

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.

4/7/2021

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.

April 9, 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. 2189

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Austin County Municipal Utility  
3 District No. 1; 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 7913A to read as follows:

9 CHAPTER 7913A. AUSTIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7913A.0101. DEFINITIONS. In this chapter:

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

13 (2) "City" means the City of Sealy, Texas.

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

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

17 (5) "District" means the Austin County Municipal  
18 Utility District No. 1.

19 Sec. 7913A.0102. NATURE OF DISTRICT. The district is a  
20 municipal utility district created under Section 59, Article XVI,  
21 Texas Constitution.

22 Sec. 7913A.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. 7913A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 7913A.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. 7913A.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. 7913A.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. 7913A.0201. GOVERNING BODY; TERMS. (a) The district  
5 is governed by a board of five elected directors.

6           (b) Except as provided by Section 7913A.0202, directors  
7 serve staggered four-year terms.

8           Sec. 7913A.0202. TEMPORARY DIRECTORS. (a) On or after the  
9 effective date of the Act enacting this chapter, the owner or owners  
10 of a majority of the assessed value of the real property in the  
11 district may submit a petition to the commission requesting that  
12 the commission appoint as temporary directors the five persons  
13 named in the petition. The commission shall appoint as temporary  
14 directors the five persons named in the petition.

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

16                   (1) the date permanent directors are elected under  
17 Section 7913A.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 7913A.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 7913A.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 Sec. 7913A.0203. DESIGNATED BOARD MEETING LOCATION. (a)  
10 The board shall designate a meeting place inside the district for  
11 conducting the meetings of the board. The meeting place designated  
12 may be a private residence or office, provided that, in the order  
13 designating the meeting place, the board declares the place where  
14 the meeting is held to be a public place and invites the public to  
15 attend any meeting of the board held in that place.

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

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

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

26 (c) If the board changes the location of a meeting place  
27 outside the district, the board shall give notice of the change in

1 the manner described by Subsection (b).

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 7913A.0301. GENERAL POWERS AND DUTIES. The district  
4 has the powers and duties necessary to accomplish the purposes for  
5 which the district is created.

6 Sec. 7913A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
7 DUTIES. The district has the powers and duties provided by the  
8 general law of this state, including Chapters 49 and 54, Water Code,  
9 applicable to municipal utility districts created under Section 59,  
10 Article XVI, Texas Constitution.

11 Sec. 7913A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
12 Section 52, Article III, Texas Constitution, the district may  
13 design, acquire, construct, finance, issue bonds for, improve,  
14 operate, maintain, and convey to this state, a county, or a  
15 municipality for operation and maintenance macadamized, graveled,  
16 or paved roads, or improvements, including storm drainage, in aid  
17 of those roads.

18 Sec. 7913A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
19 road project must meet all applicable construction standards,  
20 zoning and subdivision requirements, and regulations of each  
21 municipality in whose corporate limits or extraterritorial  
22 jurisdiction the road project is located.

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

1       (c) If the state will maintain and operate the road, the  
2 Texas Transportation Commission must approve the plans and  
3 specifications of the road project.

4       Sec. 7913A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
5 ORDINANCE OR RESOLUTION. The district shall comply with all  
6 applicable requirements of any ordinance or resolution that is  
7 adopted under Section 54.016 or 54.0165, Water Code, and that  
8 consents to the creation of the district or to the inclusion of land  
9 in the district.

10       Sec. 7913A.0306. EFFECT OF ANNEXATION. Notwithstanding any  
11 other law, if all or any part of the territory of the district is  
12 annexed by the city into the city's corporate limits, the district  
13 retains all of the district's outstanding debt and obligations and  
14 is not dissolved.

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 7913A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
17 The district may issue, without an election, bonds and other  
18 obligations secured by:

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

20               (2) contract payments described by Section  
21 7913A.0403.

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

26       (c) The district may not issue bonds payable from ad valorem  
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an  
2 election held for that purpose.

3 Sec. 7913A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
4 authorized at an election held under Section 7913A.0401, the  
5 district may impose an operation and maintenance tax on taxable  
6 property in the district in accordance with Section 49.107, Water  
7 Code.

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

10 Sec. 7913A.0403. CONTRACT TAXES. (a) In accordance with  
11 Section 49.108, Water Code, the district may impose a tax other than  
12 an operation and maintenance tax and use the revenue derived from  
13 the tax to make payments under a contract after the provisions of  
14 the contract have been approved by a majority of the district voters  
15 voting at an election held for that purpose.

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

19 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

20 Sec. 7913A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
21 OBLIGATIONS. The district may issue bonds or other obligations  
22 payable wholly or partly from ad valorem taxes, impact fees,  
23 revenue, contract payments, grants, or other district money, or any  
24 combination of those sources, to pay for any authorized district  
25 purpose.

26 Sec. 7913A.0502. TAXES FOR BONDS. At the time the district  
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing  
2 direct ad valorem tax, without limit as to rate or amount, while all  
3 or part of the bonds are outstanding as required and in the manner  
4 provided by Sections 54.601 and 54.602, Water Code.

5 Sec. 7913A.0503. BONDS FOR ROAD PROJECTS. At the time of  
6 issuance, the total principal amount of bonds or other obligations  
7 issued or incurred to finance road projects and payable from ad  
8 valorem taxes may not exceed one-fourth of the assessed value of the  
9 real property in the district.

10 SECTION 2. The Austin County Municipal Utility District No.  
11 1 initially includes all the territory contained in the following  
12 area:

13 A 38.118 acre, or 1,660,419 square feet more or less, tract of land,  
14 being a portion of that residue of called 38.143 acre tract of land  
15 conveyed to David Cryan as described in a deed recorded in Clerk's  
16 File No. 153921 of the Official Records of Austin County, Texas,  
17 situated in the San Felipe de Austin Survey, Abstract 5, in the City  
18 of Sealy, Austin County, Texas. Said 38.118 acre tract being more  
19 fully described as follows, with bearings based on the Texas  
20 Coordinate System of 1983, South Central Zone from the North  
21 American Datum of 1983 (NA2011) epoch 2010.00:

22 BEGINNING: At an iron rod with aluminum cap found in the  
23 centerline of Harrison Road (30 feet wide) as recorded under Volume  
24 Y, Page 318 of the Deed Records of Austin County, Texas and the  
25 northeast corner of said 38.143 acre tract and for the northeast  
26 corner of the herein described tract and being on the west  
27 right-of-way line of Schmidt Road (60 feet wide) a called 3.946

S.B. No. 2189

1 acres of land as conveyed to the City of Sealy as recorded under  
2 Clerk's File No. 025841 of the official Records of Austin County,  
3 Texas;

4 THENCE: S 42°42'31" W, along and with the said west right-of-way  
5 line, a distance of 2,864.13 feet to a point to a 1/2 inch iron pipe  
6 with cap stamped "Brown & Gay" found for the southeast corner of the  
7 herein described tract and being on the northeast line of a called  
8 237.88 acre tract as described in a deed to Wal-Mart Stores East, LP  
9 recorded under Clerk's File No. 031749 of the Official Records of  
10 Austin County, Texas;

11 THENCE: N 47°18'41" W, along and with said northeast line, a  
12 distance of 578.43 feet to an iron rod with a yellow cap stamped  
13 "Pate-Dawson" to be set for the southwest corner of the herein  
14 described tract and the southeast corner of a called 70.00 acres of  
15 land conveyed to David Cryan as recorded in Clerk's File No. 126232  
16 of the Official Records of Austin County, Texas;

17 THENCE: N 42°39'39" E, along with said north line, a distance of a  
18 distance of 2,865.17 feet to a 1/2 inch iron rod found in the said  
19 centerline of Harrison Road and for the northwest corner of the  
20 herein described tract and the northeast corner of said 70.00  
21 acres;

22 THENCE: S 47°12'30" E, along said centerline of Harrison Road, a  
23 distance of 580.82 feet to the POINT OF BEGINNING, and containing  
24 38.118 acres in the City of Houston, Harris County, Texas.

25 A 118.535 acre, or 5,163,385 square feet more or less, tract of  
26 land, being a portion of that residue of called 140.000 acre tract  
27 of land conveyed to Ranch County of Texas, Inc. as described in a

1 deed recorded in Clerk's File No. 081189 of the Official Records of  
2 Austin County, Texas, and a portion of Tract 1, a residue of a  
3 called 55.3 acres of land conveyed to David Cryan as described in a  
4 deed recorded in Clerk's File No. 164420 of the Official Records of  
5 Austin County, Texas, and all of Tract 2, a called 28.172 acres of  
6 land conveyed to David Cryan as described in a deed recorded in  
7 Clerk's File No. 153921 of the Official Records of Austin County,  
8 Texas, and all of Tract 5, a called 6.1259 acres of land conveyed to  
9 David Cryan as described in a deed recorded in Clerk's File  
10 No. 164420 of the Official Records of Austin County, Texas, and all  
11 of Tract 4, a called 6.1259 acres of land conveyed to David Cryan as  
12 described in a deed recorded in Clerk's File No. 164420 of the  
13 Official Records of Austin County, Texas, and all of Tract 3, a  
14 called 6.1259 acres of land conveyed to David Cryan as described in  
15 a deed recorded in Clerk's File No. 164420 of the Official Records  
16 of Austin County, Texas, and all of Tract 2, a called 6.1259 acres  
17 of land conveyed to David Cryan as described in a deed recorded in  
18 Clerk's File No. 164420 of the Official Records of Austin County,  
19 Texas, and all of Parcel 1, a called 5.452 acres of land conveyed to  
20 David Cryan as described in a deed recorded in Clerk's File  
21 No. 191010 of the Official Records of Austin County, Texas, and all  
22 of Parcel 2, a called 5.350 acres of land conveyed to David Cryan as  
23 described in a deed recorded in Clerk's File No. 191010 of the  
24 Official Records of Austin County, Texas, situated in the San  
25 Felipe de Austin Survey, Abstract 5, in the City of Sealy, Austin  
26 County, Texas. Said 118.535 acre tract being more fully described  
27 as follows, with bearings based on the Texas Coordinate System of

1 1983, South Central Zone from the North American Datum of 1983  
2 (NA2011) epoch 2010.00:

3 BEGINNING: At an iron rod with aluminum cap found on the west  
4 right-of-way line of F.M. Highway No. 3013 (width varies) and the  
5 northeast corner of a called 38.69 acre tract of land conveyed to  
6 Jinsung T.E.C. Texas, L.L.C. Texas, L.L.C. as described in a deed  
7 recorded in Clerk's File No. 126413 of the Official Records of  
8 Austin County, Texas, and for the most northerly southeast corner  
9 of the herein described tract;

10 THENCE: N 47°17'47" W, a distance of 950.10 feet to a 5/8 inch iron  
11 rod found for an interior corner of the herein described tract and  
12 being the northwest corner of said 38.69 acres and on the east line  
13 of said Tract 1, a residue of a called 55.3 acres;

14 THENCE: S 42°39'37" W, along the common line of said Tract 1, a  
15 residue of a called 55.3 acres and said 38.69 acres, a distance of  
16 1,774.20 feet to an iron rod with aluminum cap found for the  
17 southeast corner of said Tract 1, a residue of a called 55.3 acres  
18 and the southwest corner of said 38.69 acres and for the most  
19 southerly southeast corner of the herein described tract and on the  
20 northerly line of a called 6.362 acres of land conveyed to the City  
21 of Sealy, Texas as recorded in Clerk's File No. 031750 of the  
22 Official Records of Austin County, Texas;

23 THENCE: N 47°18'41" W, along with said north line, a distance of  
24 1,607.38 feet to an iron rod with aluminum cap found on the east  
25 right-of-way line to Schmidt Road (60 feet wide) a called 3.946  
26 acres of land as conveyed to the City of Sealy as recorded under  
27 Clerk's File No. 025841 of the official Records of Austin County,

1 Texas, and the southwest corner said Tract 2 of called 28.172 acres  
2 and the southwest corner of the herein described tract;  
3 THENCE: N 42°42'31" E, along the said east right-of-way line and  
4 along said Tract 2 of called 28.172 acres, a distance of 2,864.02  
5 feet to an iron rod with aluminum cap found in the centerline of  
6 Harrison Road (30 feet wide) as recorded under Volume Y, Page 318 of  
7 Deed Records of Austin County, Texas and the northwest corner of  
8 said Tract 2 of called 28.172 acres and the northwest corner of the  
9 herein described tract;  
10 THENCE: S 47°12'30" E, along and with said centerline of Harrison  
11 Road, a distance of 1,921.18 feet to a Mag Nail found for the most  
12 northerly northeast corner of the herein described tract and for  
13 the northeast corner of said Parcel 2 and the northwest corner of  
14 said Residue of called 140.000 acres;  
15 THENCE: S 42°38'14" W, along and with the east line of said Parcel  
16 2, a distance of 736.53 feet to an iron rod with aluminum cap found  
17 for an interior corner of the herein described tract and for the  
18 southeast corner of said Parcel 2;  
19 THENCE: S 47°18'33" E, departing said east line and along and with  
20 the north line of said Parcel 1, a distance of 633.63 feet to an iron  
21 rod with aluminum cap found on the west right-of-way line of said  
22 F.M. No. 3013 and the most southerly northeast corner of the herein  
23 described tract;  
24 THENCE: S 42°39'57" W, a distance of 350.05 feet to the POINT OF  
25 BEGINNING, and containing 118.535 acres in the City of Houston,  
26 Harris County, Texas.

27 SECTION 3. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this  
2 Act, has been published as provided by law, and the notice and a  
3 copy of this Act have been furnished to all persons, agencies,  
4 officials, or entities to which they are required to be furnished  
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6 Government Code.

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

10 (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor, the  
12 lieutenant governor, and the speaker of the house of  
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

18 SECTION 4. (a) If this Act does not receive a two-thirds  
19 vote of all the members elected to each house, Subchapter C, Chapter  
20 7913A, Special District Local Laws Code, as added by Section 1 of  
21 this Act, is amended by adding Section 7913A.0307 to read as  
22 follows:

23 Sec. 7913A.0307. NO EMINENT DOMAIN POWER. The district may  
24 not exercise the power of eminent domain.

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

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

2189

# Sealy Publications, Inc.

## THE SEALY NEWS

193 Schmidt Rd. • Sealy, Texas 77474-0480 • P.O. Box 480  
(979) 885-3562 • (979) 885-3564 fax • [Billing@sealynews.com](mailto:Billing@sealynews.com)

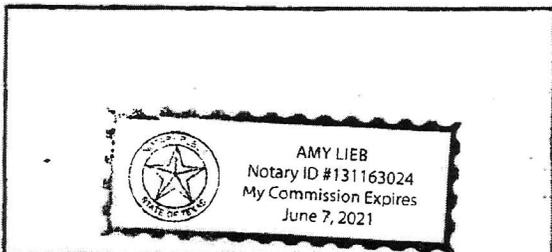
### Affidavit Of Publication

THE STATE OF TEXAS  
COUNTY OF AUSTIN

**BEFORE ME**, the undersigned authority, on this day personally appeared ,  
Karen Lopez known to me, who, being duly  
sworn, upon his/her oath deposes and says that: her/she is the authorized  
agent of *The Sealy News* newspaper of general circulation being published  
in Austin County; and that said newspaper has been continuously and  
regularly published in the said county for more than one year; that a copy of  
the foregoing was published in said newspaper, such publication being on  
the following dates: 2/11/2021 - Austin County Mod #1  
and a newspaper copy of which is here to attached.

Signed: *Karen Lopez*  
Authorized Agent

SWORN TO AND SUBSCRIBED before me this 9 day of March, 2021.



*[Signature]*  
Notary Public in and for the State of Texas



# Sealy Publications, Inc.

## THE SEALY NEWS

193 Schmidt Rd. • Sealy, Texas 77474-0480 • P.O. Box 480  
(979) 885-3562 • (979) 885-3564 fax • [Billing@sealynews.com](mailto:Billing@sealynews.com)

### Affidavit Of Publication

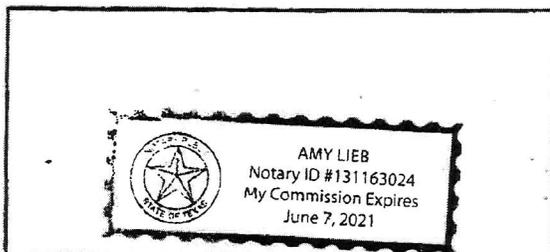
THE STATE OF TEXAS  
COUNTY OF AUSTIN

**BEFORE ME**, the undersigned authority, on this day personally appeared, Karen Lopez known to me, who, being duly sworn, upon his/her oath deposes and says that: her/she is the authorized agent of *The Sealy News* newspaper of general circulation being published in Austin County; and that said newspaper has been continuously and regularly published in the said county for more than one year; that a copy of the foregoing was published in said newspaper, such publication being on the following dates: 2/11/2021 - Austin County Mod #1 and a newspaper copy of which is here to attached.

Signed:

Karen Lopez  
Authorized Agent

SWORN TO AND SUBSCRIBED before me this 9 day of March, 2021.



[Signature]  
Notary Public in and for the State of Texas

# CLASSIFIEDS

REAL ESTATE	HOUSES FOR SALE	LOOKING TO RENT
10.89 acres for sale. Unrestricted and ag exempt. Call 979-257-9292	Owner Finance, you pick home, we buy & finance to you. Good rates 15-20% down. No credit check, loan application, tax returns, social security, foreign national ok! Richard (281) 546-4646	Responsible and Respectable person looking to rent room. Rent will be CASH on the first of every month. 832-483-6255 Leave voicemail.
<b>HOUSES FOR RENT OR LEASE</b>		
Move-In Special: Remodeled Townhomes - New Owner & New Mgrs.: 2x3 Bedroom, Covered Parking; Agent 281-578-2888		
Spacious 2 bd. 1 bath w/ weather & Dyer hook up. New laminate floors and fresh paint. \$250 Sec. Deposit with good credit/rental history. \$699 / month + Utilities. Please call (832)437-0471.		
3 bedroom/2 bath homes for rent. Please contact Brierwood Estates @ 979-885-1888.		

**FOR SALE**

**Need Bees?**

Ag Exemption Assistance  
832-422-7081

**3013 PLACE APARTMENTS**

1, 2 and 3 Bedroom Apartments  
100 Justin Way  
Eagle Lake, Texas 77434  
979-234-7004  
3013place@gmmgt.com

TTY: 1-800-735-2989

"This institution is an equal opportunity provider, and employer."  
"Esta institución es un proveedor de servicios con"

**ADVERTISEMENT AND INVITATION FOR BIDS**

Sealed bids in duplicate will be received by Town of San Felipe, Austin County, Texas for furnishing all plant, labor, material, and equipment, and for performing all work required for construction of:

**CDBG-DR 2016 FLOOD ALLOCATION FOR DRAINAGE AND PAVEMENT IMPROVEMENTS IN TOWN OF SAN FELIPE, AUSTIN COUNTY, TEXAS GENERAL LAND OFFICE CONTRACT NO. 19-076-036-B690**

Bids must be addressed to Mayor Bobby Byars. Bids will be received until 10:00 a.m., Wednesday, March 3, 2021 at the Town of San Felipe Town Hall, located at 927 Sixth Street, San Felipe, Texas 77473. The bids will be publicly opened and read aloud at 10:00 a.m. on Wednesday, March 3, 2021.

Excavate and regrade roadside ditches, install new drain pipes, restore roadway surface, improve road drainage, and complete associated appurtenances at various locations throughout the city. Improvements total approximately 26,200 linear feet.

Major items of work include:

- 1-1/2" Thick Hot Mix Hot Laid Asphalt
- Limestone Base
- 72", 54", 48", 36", 30", 24", 18" and 15" Storm Sewer Pipe
- Driveway Replacement
- Earthwork, Ditch Grading, Cleaning

Copies of the Bid/Contract Documents, including drawings and technical specifications (with option to purchase hard copies) may be obtained from [www.CitizensUSA.com](http://www.CitizensUSA.com). Bidders must register on this website in order to view and/or download specifications and plans for this project. There is NO charge to view or download documents.

Said documents may be examined without charge in the office of the Project Engineer, Kaluza, Inc., 3014 Avenue I, Rosenberg, Texas 77471.

A pre-bid conference for bidders will be held at 10:00 a.m., Wednesday, February 24, 2021, at the Town of San Felipe Town Hall, located at 927 Sixth Street, San Felipe, Texas 77473. It is recommended that all bidders attend the pre-bid conference; however, attendance is not mandatory.

A bid bond in the amount of 5% of the bid, issued by an acceptable surety, shall be submitted with each bid. A certified check or bank draft payable to Town of San Felipe or negotiable U.S. Government Bonds (as per value) may be submitted in lieu of the Bid Bond.

The project to be constructed will be financed with assistance from the General Land Office (GLO) under the U.S. Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery (CDBG-DR) program and is subject to all applicable Federal and State laws and regulations. Attention is called to the fact that not less than the federally determined prevailing (Davis-Bacon and Related Act) wage rate, as issued by the Department of Labor and contained in the contract documents, must be paid on this project. In addition, the successful bidder must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, sexual orientation, gender identity, or national origin. Adherence to the Town of San Felipe Section 3 Policy is required for contracts and subcontracts in excess of \$100,000.00.

All contractors and subcontractors must be cleared (not suspended or debarred) prior to any formal action authorizing the award of a contract to the contractor. Minority Business Enterprises, Small Business Enterprises, Women Business Enterprises, Section 3 Businesses, and labor surplus area firms are encouraged to submit bids.

Town of San Felipe reserves the right to reject any or all bids or to waive any informalities in the bidding. The award will be made to the responsible bidder submitting the lowest acceptable bid.

Bids may be held by Town of San Felipe for a period not to exceed sixty (60) days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidders' qualifications prior to the contract award.

Town of San Felipe is an equal opportunity employer.

Town of San Felipe, Bobby Byars, Mayor

**COMMERCIAL PROPERTY FOR RENT**

FOR RENT APPROX 1500 SQFT COMMERCIAL BUILDING, OFFICE and WORK SPACE 1404 Ward Blvd Rd, Sealy, 979-885-3395.

**WAREHOUSE S & H Mini Warehouses**

Size 10 x 20 \$60 per month

979-885-0700

**FOR RENT Mini Warehouses**

Size 10x20 Contact Bill's Supermarket 885-3522

ADVERTISE! 979-885-3562

**HELP WANTED**

Texas Irrigation & Pipe LLC Irrigation Field Laborers Will Train

Must have clean driving record with reliable transportation. Please apply in person at 1870 Frelsburg Rd, Cat Spring (Wentz).

**Travis Abel & Associates Real Estate**

Travis Abel Broker 281-352-4119  
Diane Abel Broker 281-352-4983  
Daphne Lemo Assookle 713-302-2700

270 N. Meyer, Sealy | 979-885-3524

MLS Residential • Farms • Ranches • Commercial

**NOTICE OF INTENT TO INTRODUCE A BILL**

This is to give notice of intent to introduce in the 87th Legislature, Regular Session, a bill to be entitled an Act relating to the creation, administration powers, duties, operation, and financing of Austin County Municipal Utility District No. 1. The costs for the publication of this notice were paid by Coats Rose.

The Act proposes to create a special district to be known as "Austin County Municipal Utility District No. 1," encompassing approximately 157 acres of land of which currently is in the extra-territorial jurisdiction of Sealy, Texas, more particularly described as follows:

Approximately 157 acres of land located northeast of and adjacent to Reville Road; south of and adjacent to Harrison Road; and west of and adjacent to FM 3013.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.

FIND OUT WHAT ALL YOUR FRIENDS ARE TALKING ABOUT

YOUR NEWS YOUR WAY.

SEALYNEWS.COM  
SEALYNEWS

**NOTICE OF PUBLIC HEARINGS**

The Sealy 4B Economic Development Corporation (SEDC) will receive public comments for the following proposed projects and the expenditure of funds:

- The SEDC will receive comments for proposed expenditure of Historic District Improvement Grant funds for the Salon Project, located at 120 Main Street, a salon services facility, to provide funding for building improvements including façade improvements, interior work, signage, electrical and other associated expenses to promote new and expanded business development. The SEDC proposed incentives and expenditure of funds is not to exceed \$15,000.00.
- The SEDC will receive comments for proposed expenditure of Historic District Improvement Grant funds for the Wittenburg Project, located at 210 Myers Street, a multi-business retail center, to provide funding for façade improvements, signage, electrical, and other associated expenses for new and expanded business development, and to improve Sealy's main corridor. The SEDC proposed incentives and expenditure of funds is not to exceed \$15,000.00.
- The SEDC will receive comments for proposed expenditure of Historic District Improvement Grant funds for the Multi-Business Project, located at 222 Fowlkes Street, a multi-business retail center, to provide funding for façade, signage electrical, plumbing, interior improvements, and other associated expenses to promote new and expanded business development. The SEDC proposed incentives and expenditure of funds is not to exceed \$15,000.00.
- The SEDC will receive comments for proposed expenditure of Historic District Improvement Grant funds for the Texas Project, located at 223 Main Street, a multi-service performing arts center, to provide funding for façade, electrical improvements, signage, and other associated expenses to promote new and expanded business development. The SEDC proposed incentives and expenditure of funds is not to exceed \$15,000.00.
- The SEDC will receive comments for proposed expenditure of Historic District Improvement Grant funds for the Fowlkes Facade Project, located at 224 Fowlkes Street, a multi-business retail center, to provide funding for façade and signage improvements, and other associated expenses to promote new and expanded business development. The SEDC proposed incentives and expenditure of funds is not to exceed \$15,000.00.

The SEDC will hold the public hearings in which all interested persons shall have the right to be heard regarding such proposed projects and expenditure of funds. The public hearings will be held at the W.E. Hill Center 1000 Main Street Sealy, TX 77474 on Tuesday, February 23, 2021 at 6:00 p.m. Social Distancing and COVID-19 guidelines will be followed during the meeting.

Katherine Ellis  
Secretary  
Sealy Economic Development Corporation

**PUBLIC NOTICE**

I, Brooke Knoll, City Secretary for the City of Sealy, Texas, certify that the second readings of the following ordinances were approved by the City Council of the City of Sealy, Texas at a regular City Council meeting held on Tuesday, January 19, 2021.

**ORDINANCE NO. 2021-01**

**AN ORDINANCE OF THE CITY OF SEALY, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES; ADOPTING BUILDING CODES, AMENDMENTS TO BUILDING CODES, AND OTHER RULES AND REGULATIONS RELATED TO SAME; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCE NO. 2021-02**

**AN ORDINANCE OF THE CITY OF SEALY, TEXAS, AMENDING SUBSECTION 87-3(B) OF SECTION 87-3 OF ARTICLE I OF CHAPTER 87 PROVIDING RULES AND REGULATIONS FOR VARIANCE NOTIFICATION; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE CITY OF SEALY, TEXAS, AMENDING SECTION 87-17 AND 87-18 OF ARTICLE II OF CHAPTER 87; PROVIDING RULES AND REGULATIONS FOR APPROVAL OF MINOR AND AMENDING PLATS; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

Take It On The Run.

Get the news anytime, anywhere with an eEdition subscription for just \$42 PER YEAR

Look for this logo to sign up at [www.sealynews.com](http://www.sealynews.com)