87R9967 ANG-F

By:  Swanson H.B. No. 4613

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 579; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1.  Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7927A to read as follows:

CHAPTER 7927A.  HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 579

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7927A.0101.  DEFINITIONS. In this chapter:

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

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

(3)  "Director" means a board member.

(4)  "District" means the Harris County Municipal Utility District No. 579.

Sec. 7927A.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7927A.0103.  CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7927A.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7927A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7927A.0105.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

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

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

Sec. 7927A.0106.  INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1)  organization, existence, or validity;

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

(3)  right to impose a tax; or

(4)  legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7927A.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 7927A.0202, directors serve staggered four-year terms.

Sec. 7927A.0202.  TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 7927A.0103; or

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

(c)  If permanent directors have not been elected under Section 7927A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected under Section 7927A.0103; or

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

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

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7927A.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7927A.0302.  MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7927A.0303.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7927A.0304.  ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 7927A.0305.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7927A.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 7927A.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. 7927A.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7927A.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. 7927A.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.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7927A.0501.  AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7927A.0502.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7927A.0503.  BONDS FOR ROAD PROJECTS. 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 the real property in the district.

SECTION 2.  The Harris County Municipal Utility District No. 579 initially includes all the territory contained in the following area:

TRACT 1

Fieldnotes for a 28.8628 acre tract of land out of the John Jones Survey, Abstract No. 481, in Harris County, Texas and being that same called 32.33 acre tract of land conveyed to Holly M. Sears as described in Correction Special Warranty Deed filed under County Clerk's File No. 20110064472 of the Real Property Records of Harris County, and being further that same tract of land conveyed to Wm. Kothmann as described in deed recorded in Volume 121 Pag e 146 of the Deed Records of Harris County, said 28.8628 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 3/4 inch steel rod with cap found in the East line of the said Jones Survey and the West line of the Frederick Limsky Survey, Abstract No. 512, said point being the Southeast corner of that certain 35.268 acres tract of land conveyed to Crockett National Bank, as described in Substitute Trustee's Deed recorded under County Clerk's File No. 20110135 623 of the said Real Property Records, said point also being the most Easterly Northeast corner of that certain 256.0563 acre tract of land conveyed to Springwoods Realty Company, as described in deed recorded under County Clerk's File No. 20090229625 of the said Real Property Records;

Thence, South 88°26' 19" West, 1365.50 feet with the South line of the said 35.268 acre tract and a Northerly line of the said 256.0563 acre tract to a point for an interior ell corner of the said 256.0563 acre tract, said point also being the most Westerly Southwest corner of the said 35.268 acre tract;

Thence, North 01°52'42" West, 87.01 feet with a Westerly line of the said 35.268 acre tract and an Easterly line of the said 256.0563 acre tract to a 3/4 inch steel rod with cap set for the Southwest corner and PLACE OF BEGINNING for the herein described tract of land, said point also being an exterior ell corner of the said 35.268 acre tract;

Thence, continuing with the Easterly line of the said 256.0523 acre tract, North O l 0 52 ' 42" West, at 400.31 feet passing an exterior ell corner of the said 256.0523 acre tract and the Southeast corner of that certain 10.568 acre tract of land conveyed to White Oak Equities, LLC, as described in deed recorded under County Clerk's File No. 20110086533 of the said Real Property Records, and continuing with the East line of the said l 0.568 acre tract, at 1499.25 feet passing a 3/4 inch steel rod with cap set for reference, and continuing in all, a total distance of 1599.25 feet to a point in the centerline of Spring Creek for the Northwest corner of the here in described tract, said point also being the Northeast corner of the said 10.568 acre tract;

Thence, with the centerline of said Spring Creek and in a general Easterly direction, the following courses and distances:

South 60°38'52" East, 57.42 feet;

South 83°28'57" East, 35.22 feet;

South 84°44'53" East, 16.72 feet;

North 79° 19' 04" East, 99.73 feet;

North 61°35'46" East, 172.4 2 feet;

North 48°25 ' 1 l" East, 148. 23 feet ;

North 24°27' 26" East, 121.31 feet;

North 16°53'57" East, 64.08 feet;

North 20°58'58" West, 175.85 feet;

North 27°11 ' 00" West, 70.20 feet;

North 07°20'07" West, 96.62 feet;

North 13°26'38" East, 59.77 feet;

North 49°06'55" East, 48.34 feet;

South 89°10' 04" East, 121.99 feet; and,

South 41°47' 29" East, 112.17 feet to the Northeast corner of the herein described tract, said point also being the called most Northerly Northwest corner of the aforesaid 35.268 acre tract;

Thence, South Ol0 40 ' 18" East with the West line of the said 35.268 acre tract, at l 00.00 feet passing a 3/4 inch steel rod with cap set for reference, and continuing in all, a total distance of 2245.35 feet (called 2192.27 feet in 35.268 acre deed) to a 1 inch steel pipe found marking the Southeast corner of the herein described tract, said point being an interior ell corner of the said 35.268 acre tract;

Thence, South 88°30'4 4" West, 684.19 feet with a lower Northerly line of the said 35.268 acre tract to the PLACE OF BEGINNING and containing 28.8628 acres or 1,257,264 square feet of land, more or less.

TRACT 2

Field notes for 35.301 acres of land situated in the J. Jones Survey, Abstract No. 481, Harris County, Texas, described in deed dated April 5, 2011 conveyed to Crockett National Bank as recorded in File No. 20110135623 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C., TX.), said tract is being more particularly described by metes and bounds as follows: (bearings are referenced to the East line of the 30 Feet Access Easement being North 01° 53' 56" West as recorded under File No. 20120202269, O.P.R.R.P.H.C., TX.):

BEGINNING at a 5/8-inch iron rod with cap "Rainwater" found at the northeast corner of a certain tract conveyed to Amber Hill, LLC as recorded in File No. 20080619683, O.P.R.R.P.H.C., TX. and the southeast corner of said Crockett National Bank tract and the herein described tract;

THENCE South 88° 24' 14" West, along the north line of said Amber Hill, LLC tract, a distance of 1365.50 feet to a 5/8-inch iron rod with cap "Rainwater" (from which a found 5/8-inch iron rod with cap "Frontier" bears South 01° 53' 56" East, 9.06 feet) found at an interior line of a certain tract conveyed to Springwoods Realty Company as recorded in File No. 20090229625, O.P.R.R.P.H.C., TX for the northwest corner of said Amber Hill, LLC tract and the southwest corner of said Crockett National Bank tract and the herein described tract;

THENCE North 01° 53' 56" West, along the interior line of said Springwoods Realty Company tract and the east line of the above referenced 30 feet Access Easement, a distance of 87.01 feet to a 5/8-inch iron rod with cap "Frontier 2053" (from which a found 5/8-inch iron rod bears North 85° 35' 25" East, 0.89 feet) found for the southwest corner of a certain tract conveyed to The Fern J. Lacy Revocable Living Trust as recorded in File No. T984330, 20100195009, 20100195010, and 20110064472, O.P.R.R.P.H.C., TX and a corner of the herein described tract;

THENCE North 88° 28' 44" East, along the south line of said The Fern J. Lacy Revocable Living Trust tract, a distance of 684.32 feet to an 1-inch iron pipe found for the southeast corner of said The Fern J. Lacy Revocable Living Trust tract and an ell corner of the herein described tract;

THENCE North 01° 42' 03" West, along the east line of said The Fern J. Lacy Revocable Living Trust tract, at a distance of 2047.68 feet pass a 3/4-inch iron rod with cap "Frontier" at 0.39 feet east, in all a distance of 2241.45 feet to the centerline of Spring Creek for the northeast corner of said The Fern J. Lacy Revocable Living Trust tract and the northwest corner of said Crockett National Bank tract and the herein described tract;

THENCE downstream with the meanders of said Spring Creek as follows:

1.  South 41° 43' 35" East, a distance of 82.16 feet

2.  South 73° 23' 41" East, a distance of 88.39 feet

3.  North 80° 02' 45" East, a distance of 104.58 feet

4.  South 63° 54' 10" East, a distance of 176.37 feet

5.  South 02° 48' 03" East, a distance of 144.62 feet

6.  South 69° 13' 34" East, a distance of 121.26 feet

7.  North 30° 10' 20" East, a distance of 322.74 feet to a point for the northwest corner of a certain tract conveyed to Chrymirene Properties Co., Inc. and Springwoods Realty Company as recorded in File No. T146401, O.P.R.R.P.H.C., TX and the northeast corner of said Crockett National Bank tract and the herein described tract;

THENCE South 01° 42' 03" East, along the west line of said Chrymirene Properties Co., Inc. and Springwoods Realty Company tract, at a distance of 213.91 feet pass a 3/4-inch iron rod with cap "Frontier", in all a distance of 2253.99 feet to the POINT OF BEGINNING and containing 35.301 acres.

TRACT 3

BEING 48.315 ACRES (2,104,590 SQUARE FEET) OF LAND SITUATED IN THE JOHN JONES SURVEY, ABSTRACT NO. 481, HARRIS COUNTY, TEXAS; SAID 48.315 ACRES OF LAND BEING ALL OF A CERTAIN TRACT OF LAND CONVEYED TO D. M. BEST COMPANY, INC., AS RECORDED IN FILE NO. 20090321484 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (O.P.R.R.P.H.C., TX.), A CERTAIN TRACT OF LAND CONVEYED TO VICTORIA BEST, AS RECORDED IN FILE NO. T058355, O.P.R.R.P.H.C., TX. AND A CERTAIN TRACT OF LAND CONVEYED TO MARK BRISTOL RUSSELL, AS RECORDED IN FILE NO. 20140367068, O.P.R.R.P.H.C., TX.; SAID 48.315 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod with "Davis 4464" cap found in the end of Juniper Lane [width varies per Volume 5136, Page 396 of the Harris County Deed Records (H.C.D.R.) and Harris County Road Log No. 4209001] for the northwest corner of a certain tract of land conveyed to Springwoods Realty, Inc., as recorded in File No. 20140581329, O.P.R.R.P.H.C., TX. and the southwest corner of said D. M. Best Company, Inc. tract and the herein described parcel (from which a found 3/4-inch iron rod with cap bears North 55°20' West, 0.1 feet);

1)  THENCE, North 01°06'30" West, along the west line of said D. M. Best Company, Inc. tract and the east line of said Juniper Lane, at a distance of 33.40 feet to the southeast corner of Lot 84, Mossy Oaks Section Two (unrecorded subdivision) and a certain tract of land conveyed to Patsy Marie Courtney, as recorded in File No. T655668, O.P.R.R.P.H.C., TX. and the northeast corner of said Juniper Lane, continuing along the west line of said D. M. Best Company, Inc. tract and the east line of said Lot 84 and said Patsy Marie Courtney tract, in all a distance of 315.08 feet to a 3/8-inch iron rod with "Landtech" cap set for the south corner of a boundary line agreement, as recorded in File No. 20140029653, O.P.R.R.P.H.C., TX. and a corner of the herein described parcel;

2)  THENCE, North 01°39'45" East, continuing along the east line of said boundary line agreement, a distance of 123.47 feet to a 3/8-inch iron rod with "Landtech" cap set for the east corner of said boundary line agreement and a corner of the herein described parcel;

3)  THENCE, North 02°45'25" West, continuing along the east line of said boundary line agreement, a distance of 207.47 feet to a magnetic nail set in the west line of said Victoria Best tract and in the east right-of-way line of Mossy Oaks East Road (60.0 feet wide per Volume 3902, Page 54, H.C.D.R.) for the north corner of said boundary line agreement and a corner of the herein described parcel;

4)  THENCE, North 01°06'30" West, along the west line of said Victoria Best tract and the east right-of-way line of said Mossy Oaks East Road, a distance of 85.81 feet to a 3/8-inch iron rod with "Landtech" cap set in a curve to the right, the southeast corner of Lot 10, Mossy Oaks Section One (unrecorded subdivision) and said Mark Bristol Russell tract, the northeast corner of said Mossy Oaks East Road and an ell corner of the herein described parcel;

5)  THENCE, along the south line of said Lot 10 and said Mark Bristol Russell tract and the north right-of-way line of said Mossy Oaks East Road with said curve to the right, having a radius of 759.02 feet, an arc length of 188.51 feet, a central angle of 14°13'47", and a chord which bears South 46°14'33" West, 188.02 feet to a 3/8-inch iron rod with "Landtech" cap set for the southwest corner of said Mark Bristol Russell tract, the southeast corner of a certain tract of land conveyed to Gaines M. Watkins, and wife, Nancy B. Watkins, as recorded in File No. U517546, O.P.R.R.P.H.C., TX. and the most westerly southwest corner of the herein described parcel (from which a found 5/8-inch iron rod bears North 25°28' East, 3.0 feet, a found 3/8-inch iron rod bears South 79°09' West, 3.8 feet and a found 1-1/4-inch iron pipe bears South 80°24' West, 4.4 feet);

6)  THENCE, North 12°27'19" East, along the west line of said Mark Bristol Russell tract and the east line of said Gaines M. Watkins and wife, Nancy B. Watkins tract, a distance of 213.15 feet to a 1/2-inch iron rod found for a corner of the herein described parcel;

7)  THENCE, North 06°16'48" West, continuing along the west line of said Mark Bristol Russell tract and the east line of said Gaines M. Watkins and wife, Nancy B. Watkins tract, at a distance of 542.68 feet to a 3/8-inch iron rod with "Landtech" cap set for a reference corner, continuing with a total distance of 667.49 feet to a point in the centerline of Spring Creek and in the south line of a certain tract of land conveyed to Montgomery County, Texas, as recorded in Document Nos. 201204859 and 2012050748 of the Official Public Records of Montgomery County, Texas (O.P.R.M.C., TX.) for the northwest corner of the herein described parcel;

8)  THENCE, meander along the centerline of said Spring Creek with the following courses:

With said curve to the left, having a radius of 150.00 feet, an arc length of 8.25 feet, a central angle of 03°09'04", and a chord which bears North 45°09'08" East, 8.25 feet to a point;

North 43°34'36" East, a distance of 99.60 feet to a point of curvature;

With said curve to the left, having a radius of 100.00 feet, an arc length of 53.41 feet, a central angle of 30°35'55", and a chord which bears North 28°16'39" East, 52.77 feet to a point of curvature;

With said curve to the right, having a radius of 150.00 feet, an arc length of 90.74 feet, a central angle of 34°39'32", and a chord which bears North 30°18'27" East, 89.36 feet to a point of curve for the northeast corner of said Mark Bristol Russell tract and the northwest corner of said Victoria Best tract;

With said curve to the right, having a radius of 150.00 feet, an arc length of 26.98 feet, a central angle of 10°18'25", and a chord which bears North 52°47'29" East, 26.95 feet to a point;

North 57°56'43" East, a distance of 109.91 feet to a point of curvature;

With said curve to the left, having a radius of 100.00 feet, an arc length of 31.92 feet, a central angle of 18°17'21", and a chord which bears North 48°48'03" East, 31.79 feet to a point;

North 39°25'06" East, a distance of 162.78 feet to a point for the northeast corner of said Victoria Best tract and the northwest corner of said D. M. Best Company, Inc. tract;

North 39°40'08" East, a distance of 67.81 feet to a point of curvature;

With said curve to the right, having a radius of 110.00 feet, an arc length of 321.17 feet, a central angle of 167°17'20", and a chord which bears South 56°41'37" East, 218.65 feet to a point;

South 26°57'03" West, a distance of 110.00 feet to a point of curvature;

With said curve to the left, having a radius of 100.00 feet, an arc length of 88.82 feet, a central angle of 50°53'27", and a chord which bears South 01°30'19" West, 85.93 feet to a point;

South 23°56'24" East, a distance of 93.07 feet to a point of curvature;

With said curve to the left, having a radius of 125.00 feet, an arc length of 218.38 feet, a central angle of 100°05'58", and a chord which bears South 73°59'23" East, 191.65 feet to a point;

North 55°57'39" East, a distance of 105.14 feet to a point of curvature;

With said curve to the left, having a radius of 100.00 feet, an arc length of 63.18 feet, a central angle of 36°11'59", and a chord which bears North 37°51'39" East, 62.14 feet to a point;

North 19°45'41" East, a distance of 127.78 feet to a point of curvature;

With said curve to the right, having a radius of 100.00 feet, an arc length of 108.70 feet, a central angle of 62°16'56", and a chord which bears North 50°54'09" East, 103.43 feet to a point;

North 82°02'35" East, a distance of 128.31 feet to a point of curvature;

With said curve to the left, having a radius of 200.00 feet, an arc length of 29.95 feet, a central angle of 08°34'47", and a chord which bears North 77°45'11" East, 29.92 feet to a point;

North 71°53'11" East, a distance of 91.52 feet to a point of curvature;

With said curve to the left, having a radius of 300.00 feet, an arc length of 97.62 feet, a central angle of 18°38'35", and a chord which bears North 62°33'53" East, 97.19 feet to a point;

North 52°43'16" East, a distance of 75.08 feet to a point for the northwest corner of a certain tract of land conveyed to White Oak Equities, LLC, as recorded in File No. 20090587861, O.P.R.R.P.H.C., TX. and the northeast corner of said D. M. Best Company, Inc. tract and the herein described parcel;

9)  THENCE, South 01°52'51" East, along the west line of said White Oak Equities, LLC tract and the east line of said D. M. Best Company, Inc. tract, at a distance of 188.13 feet to a 3/4-inch iron rod with "Landtech" cap set for a reference corner, continuing at a distance of 797.60 feet to a 3/4-inch iron pipe found for the southwest corner of said White Oak Equities, LLC tract and the most easterly northwest corner of said Springwoods Realty, Inc. tract, continuing along the east line of said D. M. Best Company, Inc. tract and the west line of said Springwoods Realty, Inc. tract, in all a distance of 1514.20 feet to a 1/2-inch iron pipe found for an ell corner of said Springwoods Realty, Inc. tract and the southeast corner of said D. M. Best Company, Inc. tract and the herein described parcel (from which another found 1/2-inch iron rod with cap bears South 70°03' West, 3.8 feet);

10)  THENCE, South 71°40'18" West, along the north line of said Springwoods Realty, Inc. tract and the south line of said D. M. Best Company, Inc. tract, a distance of 1361.79 feet to the POINT OF BEGINNING and containing 48.315 acres (2,104,590 square feet) of land.

Bearings are referenced to the 30 feet access easement being South 71°40'18" West, as recorded in File No 20120202269, O.P.R.R.P.H.C., TX.

TRACT 4

BEING 8.331 ACRES (362,877 SQUARE FEET) OF LAND SITUATED IN THE JOHN JONES SURVEY, ABSTRACT NO. 481, HARRIS COUNTY, TEXAS; SAID 8.331 ACRES OF LAND BEING THE RESIDUE OF A CERTAIN TRACT OF LAND CONVEYED TO WHITE OAK EQUITIES, LLC, AS RECORDED IN FILE NOS. 20090587861 AND 20110086533 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (O.P.R.R.P.H.C., TX.); SAID 8.331 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod with cap stamped "Rainwater" found in the west line of a certain tract of land conveyed to KAPA Spring 35 Series, LLC, as recorded in File No. 20140356975, O.P.R.R.P.H.C., TX. for a corner of a certain tract of land conveyed to Springwoods Realty, Inc., as recorded in File No. 20140581329, O.P.R.R.P.H.C., TX. and the southeast corner of said White Oak Equities, LLC tract and the herein described parcel (from which a found 1/2-inch iron pipe bears South 22° East, 2.1 feet);

1)  THENCE, South 87°57'48" West, along the north line of said Springwoods Realty, Inc. tract and the south line of said White Oak Equities, LLC tract, a distance of 320.48 feet to a 1/2-inch iron pipe found for an ell corner of said Springwoods Realty, Inc. tract and the most southerly southwest corner of said White Oak Equities, LLC tract and the herein described parcel;

2)  THENCE, North 01°49'06" West, along the east line of said Springwoods Realty, Inc. tract and the west line of said White Oak Equities, LLC tract, a distance of 715.66 feet to a 1/2-inch iron pipe found for a corner of said Springwoods Realty, Inc. tract and an ell corner of said White Oak Equities, LLC tract and the herein described parcel;

3)  THENCE, South 88°08'26" West, along the north line of said Springwoods Realty, Inc. tract and the south line of said White Oak Equities, LLC tract, a distance of 321.11 feet to a 3/4-inch iron pipe found in the east line of a certain tract of land conveyed to D. M. Best Company, Inc., as recorded in File No. 20090321484, O.P.R.R.P.H.C., TX. for a corner of said Springwoods Realty, Inc. tract and the most westerly southwest corner of said White Oak Equities, LLC tract and the herein described parcel;

4)  THENCE, North 01°52'51" West, along the east line of said D. M. Best Company, Inc. tract and the west line of said White Oak Equities, LLC tract, a distance of 189.73 feet to a 5/8-inch iron rod with cap stamped "LJA" found for the southwest corner of a certain tract of land conveyed to Harris County, Texas, as recorded in File No. RP-2016-334636, O.P.R.R.P.H.C., TX. and the northwest corner of the herein described parcel;

5)  THENCE, North 84°39'01" East, along the south line of said Harris County, Texas tract, a distance of 641.69 feet to a 3/8-inch iron rod with cap stamped "Landtech" set in the west line of said KAPA Spring 35 Series, LLC tract and in the east line of said White Oak Equities, LLC tract for the northeast corner of the herein described parcel (from which a found 5/8-inch iron rod with cap stamped "LJA" bears North 86° East, 2.0 feet);

6)  THENCE, South 01°53'56" East, along the west line of said KAPA Spring 35 Series, LLC tract and the east line of said White Oak Equities, LLC tract, a distance of 943.46 feet to the POINT OF BEGINNING and containing 8.331 acres (362,877 square feet) of land.

Bearings are referenced to the 30 feet access easement being South 88°08'26" West, as recorded in File No 20120202269, O.P.R.R.P.H.C., TX.

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

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

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

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

SECTION 4.  (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7927A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7927A.0306 to read as follows:

Sec. 7927A.0306.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

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