

By: Taylor

S.B. No. 1355

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 83; 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 _____ to read as follows:

CHAPTER . BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83

SUBCHAPTER A. GENERAL PROVISIONS

Sec. _____.001. 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 Brazoria County Municipal Utility District No. 83.

Sec. _____.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. _____.003. CONFIRMATION AND DIRECTORS' 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.

1 Sec. _____.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section _____.003
3 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. _____.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 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. _____.006. 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. _____.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section _____.052, directors serve
6 staggered four-year terms.

7 Sec. _____.052. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Todd Casper;

10 (2) Johnnie Wright;

11 (3) Jeff Perry;

12 (4) Matthew Brown; and

13 (5) Shelley Stone.

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

15 (1) the date permanent directors are elected under
16 Section _____.003; 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 _____.003 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 _____.003; 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 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. _____.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. _____.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. _____.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. _____.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

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

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

9 Sec. _____.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. _____.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
17 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 _____.153.

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

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. _____.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section _____.151, the district
4 may impose an operation and maintenance tax on taxable property in
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. _____.153. CONTRACT TAXES. (a) In accordance with
9 Section 49.108, Water Code, the district may impose a tax other than
10 an operation and maintenance tax and use the revenue derived from
11 the tax to make payments under a contract after the provisions of
12 the contract have been approved by a majority of the district voters
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. _____.201. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,
21 revenue, contract payments, grants, or other district money, or any
22 combination of those sources, to pay for any authorized district
23 purpose.

24 Sec. _____.202. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. _____.203. BONDS FOR ROAD PROJECTS. At the time of
4 issuance, the total principal amount of bonds or other obligations
5 issued or incurred to finance road projects and payable from ad
6 valorem taxes may not exceed one-fourth of the assessed value of the
7 real property in the district.

8 SECTION 2. The Brazoria Municipal Utility District No. 83
9 initially includes all the territory contained in the following
10 area:

11 TRACT 1:

12 A 418.318 acre (18,221,949 square feet) tract, being all of
13 Lots 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33,
14 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47 and 50 of the
15 Allison-Richey Gulf Coast Home Company Suburban Gardens
16 Subdivision of Section 73, H.T. & B. Railroad Company Survey,
17 Abstract 301, according to the map or plat thereof, recorded in
18 Volume 2, Page 91 and 92, of the Plat Records of Brazoria County,
19 Texas (B.C.P.R.) and being all of those certain tracts conveyed to
20 Westbank Bayou, LP, called 19.919 acres (Lots 5-6), recorded in
21 Brazoria County Clerk's File Number (B.C.C.F. No.) 2007021508,
22 called 9.929 acres (Lot 8), recorded in B.C.C.F. No. 2007017868 and
23 called 9.972 acres (Lot 16), recorded in B.C.C.F. No. 2007018701
24 and being all of that certain tract conveyed to Charles L. Sowell
25 called 9.988 acres (Lot 7), recorded in Volume 1177, Page 396, deed
26 records of Brazoria County, Texas (B.C.D.R.), and being all of
27 those certain tracts conveyed to Eastbank Bayou, LP, called 10

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1 acres (Lot 33), recorded In B.C.C.F. No. 2007022032, called 19.944
2 acres (Lots 42-43), recorded in B.C.C.F. No. 2008004369 and called
3 10 acres (Lot 47), recorded in B.C.C.F. No. 2008004367 and being
4 all of that certain tract conveyed to Four Forty-Three Annex No. 1,
5 LTD., called 10.00 acres (Lot 50), recorded in B.C.C.F.
6 No. 2006045403 and being a part of that certain tract conveyed to
7 Four Forty-Three Ltd. (called 433.09 acres), recorded in Volume
8 1048, Page 760, B.C.D.R., with said 18,221,949 square foot tract of
9 land being more particularly described by metes and bounds as
10 follows:

11 COMMENCING at a 1/2 inch iron rod found at the Northeast
12 corner of said Section 73 and an interior corner of the H.T. & B.
13 Railroad Company Survey, Section 74, Abstract 493, recorded in
14 Volume 2, Page 66, B.C.P.R.) and being at the centerline
15 intersection of 60 foot Pollard Drive (as occupied) (Platted as 40
16 feet - Volume 2, Page 91 and 92, B.C.P.R.) and 60 foot Del Bello
17 Boulevard (as occupied)(Platted as 50 feet - Volume 2, Page 66,
18 B.C.P.R.), marking the northeast corner of the Michael D. Roland
19 and Marcy D. Roland tract (called 5.46 acres), recorded in B.C.C.F.
20 No. 2004072423 and 2007030104, the northwest corner of the Michael
21 C. Black tract (called 4.00 acres), recorded in B.C.C.F.
22 No. 96-015514 and the Northeast corner of said Section 73;

23 THENCE S 86°50'29" W, along and with the common line of
24 Section 73 and 74 and centerline of said 40 foot platted road, at
25 658.00 feet pass a point marking the southwest corner of lot 1 of
26 said Section 74 and the southeast corner of the Mary V O'Donnell
27 Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91

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1 and 92, B.C.P.R., from which a 5/8 inch iron rod bears, 5 38°48'33"
2 W, 3.08 feet, continuing along and with the common line of Section
3 73 and Division "O" and centerline of said 40 foot platted road, a
4 total distance of 1974.26 feet (called 1980.00 feet) to a 5/8 inch
5 iron rod with cap stamped "FMS" set in the north line of Section 73,
6 the north line of a 60 foot American Canal Company Easement,
7 recorded in Volume 638, Page 127, B.C.D.R., the south line of said
8 Division "O", Abstract 469, the south line of the Sylvia Buffy
9 Orndorff and Dustin Aaron Different tract (called 13.93 acres),
10 recorded in B.C.C.F. No. 2015054435, and the centerline of said 40'
11 platted road, marking the northwest corner of the Katherine Ott
12 Miles tract (called 5 acres), recorded in Volume 1459, Page 1,
13 B.C.D.R., the northeast corner of said Eastbank Bayou, LP tract
14 (Lot 33), and being the common corner of Lot 33 and 41 of said
15 Section 73 at the most northerly Northwest corner and POINT OF
16 BEGINNING of herein described tract:

17 THENCE S 03°24'40" E, along and with the common line of said
18 Lot 33 and 41, a distance of 660.58 feet (called 660.00 feet) to a
19 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking
20 the southeast corner of said Eastbank Bayou, LP tract (Lot 33), the
21 southwest corner of said Miles tract, the northwest corner of said
22 Eastbank Bayou, LP tract (called 19.944 acres), an interior corner
23 of herein described tract and being the common corner of Lots 33,
24 41, 42 and 34 of said Section 73;

25 THENCE N 86°49'54" E, along and with the common line of Lots
26 41, 42, 49 and 50 of said Section 73, a distance of 1314.38 feet
27 (called 1320.00 feet) to a 5/8 inch iron rod with cap stamped "FMS"

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1 set, marking the southeast corner of the Jane Hetherington Brown
2 and Norman Paul Brown tract (called 5 acres), recorded in B.C.C.F.
3 No. 2014042893, the southwest corner of the Suzanne Renae Scopel
4 tract (called 5 acres), recorded In B.C.C.F. No. 2005013089, the
5 northwest corner of the Jeffery Wayne Scopel tract (called 1.157
6 acres), recorded in B.C.C.F. No. 2005013109, the northeast corner
7 of said Four Forty-Three Annex No. 1, LTD. Tract (called 10.00
8 acres) and the most easterly northeast corner of herein described
9 tract and being the common corner of Lots 49, 55, 56 and 50 of said
10 Section 73;

11 THENCE S 03°25'11" E, along and with the common line of Lots 50
12 and 56 and east line of said Four Forty-Three Annex No. 1, LTD.
13 tract, a distance of 660.67 feet (called 660.00 feet) to a 5/8 inch
14 iron rod with cap stamped "FMS" set, marking the southwest corner of
15 the Douglas Varner Tract (called 1.157 acres), recorded in Volume
16 (91) 906, Page 253, of the official records of Brazoria County,
17 Texas (B.C.O.R.), the northwest corner of the Laura Loterbauer
18 tract (called Minor Plat of 2.50 acres), recorded in B.C.C.F.
19 No. 2018006317, the northeast corner of the Louis Lira tract
20 (called 20 acres), recorded in Volume 1694, Page 653, B.C.D.R. and
21 an angle point for corner of herein described tract and being the
22 common corner of Lots 50, 56, 57 and 51 of said Section 73;

23 THENCE S 86°50'32" W, along and with the common line of Lots 50
24 and 51, same being the common line of said Four Forty-Three Annex
25 No. 1, LTD. Tract and said Lira tract, a distance of 657.24 feet
26 (called 660.00 feet), to a 5/8 inch iron rod with cap stamped "FMS"
27 set, in the east line of said Eastbank Bayou, LP tract (called

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1 19.944 acres), marking the southwest corner of said Four
2 Forty-Three Annex No. 1, LTD. tract, the northwest corner of said
3 Lira tract, an interior corner of herein described tract and being
4 the common corner of Lots 50, 51, 43 and 42 of said Section 73;

5 THENCE S 03°24'55" E, along and with the common line of Lots
6 43, 51, 44, 52, 45, 46 and 61 at 1320.21 feet (called 1320.00 feet)
7 pass a point in the centerline of a 40 foot platted road, recorded
8 in Volume 2, page 91 and 92, B.C.P.R. marking the northwest corner
9 of the Coastal Bend Land Investments, LP tract (called 40.0060
10 acres)(called Lot 61), recorded in B.C.C.F. No. 2006049617 and
11 being the common corner of Lots 44, 52, 61 and 45, continuing for a
12 total distance of 3299.48 feet (called 3300.00 feet) to a 5/8 inch
13 iron rod with cap stamped "FMS" set, marking the southwest corner of
14 the Jose T. Villanueva and Trinidad Villanueva tract (called 5
15 acres), recorded in B.C.C.F. No. 2004036528, the northwest corner
16 of the Roger Hernandez Gandarillas and Shella M. Rosario Crespo
17 tract (called 1.000 acre), recorded In B.C.C.F. No. 2015020827, the
18 northeast corner of said Aspect Energy, LLC tract (called 10
19 acres), the southeast corner of the said Eastbank Bayou, LP tract
20 (called 10 acres)(Lot 47), the most easterly southeast corner of
21 herein described tract and being the common corner of Lots 53, 54,
22 48 and 47 of said Section 73;

23 THENCE S 86°49'54" W, along and with the common line of Lots 48
24 and 47, same being the common line of said Eastbank Bayou, LP tract
25 (Lot 47) and said Aspect Energy, LLC tract, a distance of 657.49
26 feet (called 660.00 feet) to a 1/2 inch iron rod with cap stamped
27 "Adams RPLS 3666" found in the east line of the of said 443.09 acre

1 tract, marking the southwest corner of said Eastbank Bayou, LP
2 tract and the northwest corner of said Aspect Energy, LLC tract, and
3 interior corner of herein described tract and being the common
4 corner of Lots 48, 40, 39 and 47 of said Section 73;

5 THENCE S 03°24'40" E, along and with the common line of Lots 48
6 and 40, same being the common line of said Aspect Energy, LLC tract
7 and said 443.09 acre tract, a distance of 660.05 feet (called 660.00
8 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the
9 centerline of a 40 foot platted road, recorded in Volume 2, Page 91
10 and 92, B.C.P.R., in the called south line of Section 73 and the
11 north line of the H.T. & B. Railroad Company Survey, Section 64,
12 Abstract 483 and the north line of the Dr. A.A. Luther Subdivision
13 of Manvel, recorded in Volume 1, Page 71 and 72 and Volume 3, Page
14 139 and 140, B.C.P.R. and the north line of Outlot 181 of said
15 Dr. A.A. Luther Subdivision, marking the northwest corner of the
16 Coastal Bend Land Investments, LP tract (remainder of a called
17 167.073 acre tract), recorded in B.C.C.F. No. 2004058628, the
18 southwest corner of said Aspect Energy, LLC tract, an angle point in
19 the east line of said 443.09 acre tract and an angle point for
20 corner of herein described tract and being the common corner of Lots
21 48 and 40 of said Section 73, from which a 5/8 inch iron rod with cap
22 stamped "Base Line" found marking the southeast corner of said
23 Section 73 bears, S 86°50'11" W, 1975.03 feet;

24 THENCE S 86°50'11" W, continuing along and with the common
25 line of said Section 73, Section 64 and the Dr. A.A. Luther
26 Subdivision, same being the common line of said Outlot 181 and Lot
27 40, and centerline of said 40 foot platted road, a distance of

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1 147.66 feet to a 5/8 inch iron rod with cap stamped "FMS" set in said
2 common line, marking the northeast corner of the Four Forty-Three,
3 LTD. Tract (called 24.00 acres)(Outlot 195), recorded in Volume
4 1048, Page 760, B.C.D.R. and an interior corner of herein described
5 tract and being the westerly line of a 40 foot platted road,
6 recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140,
7 B.C.P.R.;

8 THENCE S 19°30'25" W, along and with the easterly line of said
9 Outlot 195 and the westerly line of said 40 foot platted road, at
10 909.98 feet pass a 1/2 inch iron rod found, marking the
11 southeasterly corner of said Outlot 195 and the northeasterly
12 corner of the Four Forty-Three, LTD. Tract (called 20.00
13 acres)(North 1/2 of Outlot 180), continuing for a total distance of
14 1569.69 feet to a 1 inch iron pipe found, marking the southeasterly
15 corner of said 20.00 acre tract, the northeasterly corner of the
16 Beazer Homes Texas, LP tract (called 19.99 acres)(South 1/2 Outlot
17 180), recorded in B.C.C.F. No. 2016050422 and an angle point in the
18 westerly line of the Beazer Homes Texas, LP tract (called 5.40
19 acres), recorded in B.C.C.F. No. 2016050422 and the most easterly
20 southeast corner of herein described tract;

21 THENCE N 70°27'42" W, along and with the common line of said
22 North 1/2 of Outlot 180 and the South 1/2 of Outlot 180, a distance
23 of 1319.95 feet (called 1320.00 feet) to a 1/2 inch iron rod with
24 cap stamped "Adams RPLS 3666" found in the easterly line of the Four
25 Forty-Three, LTD. Tract (called 46.35 acres)(Outlot 175), marking
26 the common corner of the South 1/2 and North 1/2 of Outlet 180 and an
27 interior corner of herein described tract;

1 THENCE S 19°29'54" W, along and with the common line of said
2 46.35 acre tract and said 19.99 acre tract, same being the common
3 line of Outlot 180 and 175, a distance of 660.47 feet to a 1/2 inch
4 iron rod with cap stamped "LIA Eng" found in the north line of a 40
5 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume
6 3, Page 139 and 140, B.C.P.R., marking the most westerly northwest
7 corner of said 5.40 acre tract, the southeasterly corner of said
8 46.35 acre tract and the southwesterly corner of said 19.99 acre
9 tract and an interior corner of herein described tract;

10 THENCE N 70°26'20" W, along and with the south line of 46.35
11 acre tract and the north line of said 40 foot platted road, a
12 distance of 1321.08 feet to a 1/2 inch iron rod with cap stamped
13 "Adams RPLS 3666" found in the easterly line of the Four
14 Forty-Three, LTD. Tract (called 27.7947 acres)(Outlot 174) and the
15 westerly line of said 40 foot platted road, marking the
16 southwesterly corner of said 46.35 acre tract and an interior
17 corner of herein described tract;

18 THENCE S 19°28'54" W, along and with the common line of said
19 27.7947 acre tract and westerly line of said 40 foot platted road, a
20 distance of 1390.63 feet to a TxDot Brass Disk found in the
21 northwesterly right-of-way (r.o.w.) line of State Highway No. 6
22 (a.k.a. Morris Avenue)(200' R.O.W.), recorded in B.C.C.F.
23 No. 2013053500, marking the southeasterly corner of said 27.7947
24 acre tract and the most southerly southeast corner of herein
25 described tract;

26 THENCE N 70°30'10" W, along the northwesterly r.o.w. line of
27 said State Highway No. 6, a distance of 33.83 feet to a TxDot Brass

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1 Disk found, marking the southeasterly corner of the Russell T. Rudy
2 and Randall D. Rudy tract (called 18 acres), recorded in Volume
3 1408, Page 806, B.C.D.R., the southwesterly corner of said 27.7947
4 acre tract and the most southerly southwest corner of herein
5 described tract, from which a TxDot Brass Disk found, at the
6 intersection of easterly r.o.w. line of County Road 82 (a.k.a. Iowa
7 Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816
8 and the northwesterly r.o.w. line of said State Highway No. 6,
9 marking the southwesterly corner of a 0.217 acre tract, recorded in
10 B.C.C.F. No. 2013053500 bears, N 70°30'10" W, 365.23 feet;

11 THENCE N 03°19'19" W, along and with the common line of said
12 27.7947 acre tract and said 18 acre tract, a distance of 2310.10
13 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666"
14 found, marking the northwest corner of said 27.7947 acre tract and
15 an angle point for corner of herein described tract, from which a
16 3/4 inch pinched top pipe bears, N 09°17' W, 1.1 feet and from which
17 an iron rod with cap stamped "Kalkomey" found in the easterly r.o.w.
18 line of said County Road 82, marking the northwest corner of said 18
19 acre tract, bears S 87°00'54" W, 328.14 feet and a 5/8 inch iron rod
20 found in the easterly r.o.w. line of said County Road 82, marking
21 the southwest corner of a called 41.4819 acre tract, recorded in
22 B.C.C.F. No. 2003061748 bears, N 02°13'14" W, 38.07 feet;

23 THENCE N 86°57'38" E, along and with the north line of said 18
24 acre tract, a distance of 729.52 feet to a 5/8 inch iron rod with cap
25 stamped "FMS" set, at the southwest corner of Section 73 and being
26 in the centerline intersection of two 40 foot platted roads and
27 being the common corner of said Section 73 and the H.T. & B.

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1 Railroad Company Survey, Section 72, Abstract 460, marking the
2 southeast corner of the Brazos River Authority tract (called 6.676
3 acres)(cause no. S4,761A), recorded in Volume 33, Page 154,
4 district clerk records of Brazoria County, Texas (B.C.D.C.R.), the
5 southwest corner of the Brazoria County MUD No. 43 Drainage
6 Easement (called 1.675 acres, recorded in B.C.C.F. No. 2016026159,
7 the southwest corner of said 9.929 acre tract and an interior corner
8 of herein described tract;

9 THENCE N 03°28'57" W, along and with the common line of said
10 Section 73 and Section 72 and centerline of said 40 foot platted
11 road, at 40.00 feet pass a point marking the southwest corner of a
12 0.34 acre tract (Parcel 1) out of said called 41.4819 acre tract,
13 continuing for a total distance of 2640.38 feet (called 2640.00
14 feet) to a 1 inch iron pipe found, marking the northwest corner of a
15 0.25 acre tract (Parcel 2), the northwest corner of said 19.919 acre
16 tract, the northwest corner of a 3.430 acre drainage easement,
17 recorded in B.C.C.F. No. 2016026156, the northeast corner of said
18 Brazos River Authority tract (called 6.676 acres), the southeast
19 corner of the Brazos River Authority Parcel "D" tract (called 3.18
20 acres), recorded in Volume 1070, Page 315, B.C.D.R., the southwest
21 corner of the Brazos River Authority Parcel "B" tract (called 0.61
22 acres), recorded in Volume 1070, Page 318, B.C.D.R., the southwest
23 corner of the Brazoria County Municipal Utility District (M.U.D.)
24 No. 43 Drainage Easement tract (called 1.739 acres), recorded in
25 B.C.C.F. No. 2016011559 and the common corner of Lots 4 and 5,
26 Section 73, from which a 1/2 inch iron rod found in the east r.o.w.
27 line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied),

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1 recorded in B.C.C.F. No. 2006021816, marking the southwest corner
2 of the Joan Bann eyer tract (called 1.367 acres), recorded in
3 B.C.C.F. No. 2005003981 and the northwest corner of the Sonmar of
4 Scottsdale, LLC tract (called 53.948 acres), bears S 86°37'46" W,
5 900.42 feet;

6 THENCE N 86°51'03" E, along and with the common line of herein
7 described tract and said lot 4 and the centerline of a 40 foot
8 platted road, at 657.75 feet (called 660.00 feet) pass a 3/4 inch
9 iron pipe found, marking the northeast corner of said 19.919 acre
10 tract and the southwest corner of the 102929 Brazoria Inc. tract
11 (called 34.90 acres), recorded in B.C.C.F. No. 2005033429 and being
12 the common corner of Lots 4, 12, 13 and 5, and at 1973.99 feet
13 (called 1980.00 feet) pass a 1/4 inch iron pipe found, marking the
14 southeast corner of said 34.90 acre tract and being the common
15 corner of Lots 20, 28, 29 and 21, continuing for a total distance of
16 2632.44 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap
17 stamped "FMS" found in the west line of a 60 foot American Canal
18 Company Easement, recorded in Volume 638, Page 127, B.C.D.R.,
19 marking an interior corner of said remainder of a 433.09 acre tract
20 and an interior corner of herein described tract and being the
21 common corner of Lots 28, 36, 37 and 29 of said Section 73;

22 THENCE N 03°27'06" W, along and with the common line of Lots
23 28, 36, 27, 35, 26, 34, 25 and 33 and the west line of said 60 foot
24 American Canal Company Easement, a distance of 2641.03 feet (called
25 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in
26 the north line of Section 73, the north line of a said 60 foot
27 American Canal Company Easement, the south line of the Mary V

1 O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2,
2 Page 91 and 92, B.C.P.R. the south line of the John and Edith
3 Lebourgeois tract (called 6.978 acres), recorded in B.C.C.F.
4 No. 98-053061, the north line of the Eastbank Bayou, LP tract
5 (called 19.950 acres), recorded in B.C.C.F. No. 2007022032 and the
6 centerline of said 40 foot platted road, marking the most northerly
7 northwest corner of herein described tract and being the common
8 corner of Lot 25 and 33 of said Section 73, from which a 1/2 inch
9 iron rod found bears, S 82°35" E, 14.3 feet;

10 THENCE N 86°50'29" E, along and with the common line of
11 Section 73, Division "O", the centerline of said 40 foot platted
12 road and the north line of said 60 foot American Canal Company
13 Easement, a distance of 659.60' (called 660.00 feet) to the POINT OF
14 BEGINNING and containing a calculated area of 418.318 acres of
15 land.

16 TRACT 2:

17 A 19.551 acre tract, being all of lots 6 and 12 of the
18 Mary V. O'Donnell Survey, Division "O", Abstract 469, according to
19 the map or plat thereof, recorded in Volume 2, Page 91 and 92, of the
20 plat records of Brazoria County, Texas, and being a part of that
21 certain tract recorded in Volume 1048, Page 760, B.C.D.R.

22 TRACT 1 and TRACT 2, together, equal a total area of 437.869
23 acres.

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

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

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

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

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

15 SECTION 4. (a) If this Act does not receive a two-thirds
16 vote of all the members elected to each house, Subchapter C, Chapter
17 _____, Special District Local Laws Code, as added by Section 1 of
18 this Act, is amended by adding Section _____.106 to read as follows:

19 Sec. _____.106. NO EMINENT DOMAIN POWER. The district may
20 not exercise the power of eminent domain.

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

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

S.B. No. 1355

1 Act takes effect September 1, 2021.