

1-1 By: Taylor S.B. No. 1355
 1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 12, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 12, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1355 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the creation of the Brazoria County Municipal Utility
 1-22 District No. 83; granting a limited power of eminent domain;
 1-23 providing authority to issue bonds; providing authority to impose
 1-24 assessments, fees, and taxes.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-26 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-27 Code, is amended by adding Chapter 7922A to read as follows:

1-28 CHAPTER 7922A. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83

1-29 SUBCHAPTER A. GENERAL PROVISIONS

1-30 Sec. 7922A.0101. DEFINITIONS. In this chapter:

1-31 (1) "Board" means the district's board of directors.

1-32 (2) "Commission" means the Texas Commission on
 1-33 Environmental Quality.

1-34 (3) "Director" means a board member.

1-35 (4) "District" means the Brazoria County Municipal
 1-36 Utility District No. 83.

1-37 Sec. 7922A.0102. NATURE OF DISTRICT. The district is a
 1-38 municipal utility district created under Section 59, Article XVI,
 1-39 Texas Constitution.

1-40 Sec. 7922A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-41 REQUIRED. The temporary directors shall hold an election to
 1-42 confirm the creation of the district and to elect five permanent
 1-43 directors as provided by Section 49.102, Water Code.

1-44 Sec. 7922A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-45 temporary directors may not hold an election under Section
 1-46 7922A.0103 until each municipality in whose corporate limits or
 1-47 extraterritorial jurisdiction the district is located has
 1-48 consented by ordinance or resolution to the creation of the
 1-49 district and to the inclusion of land in the district.

1-50 Sec. 7922A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 7922A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by

2-1 Section 2 of the Act enacting this chapter.
2-2 (b) The boundaries and field notes contained in Section 2 of
2-3 the Act enacting this chapter form a closure. A mistake made in the
2-4 field notes or in copying the field notes in the legislative process
2-5 does not affect the district's:
2-6 (1) organization, existence, or validity;
2-7 (2) right to issue any type of bond for the purposes
2-8 for which the district is created or to pay the principal of and
2-9 interest on a bond;
2-10 (3) right to impose a tax; or
2-11 (4) legality or operation.
2-12 SUBCHAPTER B. BOARD OF DIRECTORS
2-13 Sec. 7922A.0201. GOVERNING BODY; TERMS. (a) The district
2-14 is governed by a board of five elected directors.
2-15 (b) Except as provided by Section 7922A.0202, directors
2-16 serve staggered four-year terms.
2-17 Sec. 7922A.0202. TEMPORARY DIRECTORS. (a) The temporary
2-18 board consists of:
2-19 (1) Todd Casper;
2-20 (2) Johnnie Wright;
2-21 (3) Jeff Perry;
2-22 (4) Matthew Brown; and
2-23 (5) Shelley Stone.
2-24 (b) Temporary directors serve until the earlier of:
2-25 (1) the date permanent directors are elected under
2-26 Section 7922A.0103; or
2-27 (2) the fourth anniversary of the effective date of
2-28 the Act enacting this chapter.
2-29 (c) If permanent directors have not been elected under
2-30 Section 7922A.0103 and the terms of the temporary directors have
2-31 expired, successor temporary directors shall be appointed or
2-32 reappointed as provided by Subsection (d) to serve terms that
2-33 expire on the earlier of:
2-34 (1) the date permanent directors are elected under
2-35 Section 7922A.0103; or
2-36 (2) the fourth anniversary of the date of the
2-37 appointment or reappointment.
2-38 (d) If Subsection (c) applies, the owner or owners of a
2-39 majority of the assessed value of the real property in the district
2-40 may submit a petition to the commission requesting that the
2-41 commission appoint as successor temporary directors the five
2-42 persons named in the petition. The commission shall appoint as
2-43 successor temporary directors the five persons named in the
2-44 petition.
2-45 SUBCHAPTER C. POWERS AND DUTIES
2-46 Sec. 7922A.0301. GENERAL POWERS AND DUTIES. The district
2-47 has the powers and duties necessary to accomplish the purposes for
2-48 which the district is created.
2-49 Sec. 7922A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-50 DUTIES. The district has the powers and duties provided by the
2-51 general law of this state, including Chapters 49 and 54, Water Code,
2-52 applicable to municipal utility districts created under Section 59,
2-53 Article XVI, Texas Constitution.
2-54 Sec. 7922A.0303. AUTHORITY FOR ROAD PROJECTS. Under
2-55 Section 52, Article III, Texas Constitution, the district may
2-56 design, acquire, construct, finance, issue bonds for, improve,
2-57 operate, maintain, and convey to this state, a county, or a
2-58 municipality for operation and maintenance macadamized, graveled,
2-59 or paved roads, or improvements, including storm drainage, in aid
2-60 of those roads.
2-61 Sec. 7922A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-62 road project must meet all applicable construction standards,
2-63 zoning and subdivision requirements, and regulations of each
2-64 municipality in whose corporate limits or extraterritorial
2-65 jurisdiction the road project is located.
2-66 (b) If a road project is not located in the corporate limits
2-67 or extraterritorial jurisdiction of a municipality, the road
2-68 project must meet all applicable construction standards,
2-69 subdivision requirements, and regulations of each county in which

3-1 the road project is located.
3-2 (c) If the state will maintain and operate the road, the
3-3 Texas Transportation Commission must approve the plans and
3-4 specifications of the road project.

3-5 Sec. 7922A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-6 ORDINANCE OR RESOLUTION. The district shall comply with all
3-7 applicable requirements of any ordinance or resolution that is
3-8 adopted under Section 54.016 or 54.0165, Water Code, and that
3-9 consents to the creation of the district or to the inclusion of land
3-10 in the district.

3-11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-12 Sec. 7922A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-13 The district may issue, without an election, bonds and other
3-14 obligations secured by:

- 3-15 (1) revenue other than ad valorem taxes; or
- 3-16 (2) contract payments described by Section
3-17 7922A.0403.

3-18 (b) The district must hold an election in the manner
3-19 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-20 before the district may impose an ad valorem tax or issue bonds
3-21 payable from ad valorem taxes.

3-22 (c) The district may not issue bonds payable from ad valorem
3-23 taxes to finance a road project unless the issuance is approved by a
3-24 vote of a two-thirds majority of the district voters voting at an
3-25 election held for that purpose.

3-26 Sec. 7922A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-27 authorized at an election held under Section 7922A.0401, the
3-28 district may impose an operation and maintenance tax on taxable
3-29 property in the district in accordance with Section 49.107, Water
3-30 Code.

3-31 (b) The board shall determine the tax rate. The rate may not
3-32 exceed the rate approved at the election.

3-33 Sec. 7922A.0403. CONTRACT TAXES. (a) In accordance with
3-34 Section 49.108, Water Code, the district may impose a tax other than
3-35 an operation and maintenance tax and use the revenue derived from
3-36 the tax to make payments under a contract after the provisions of
3-37 the contract have been approved by a majority of the district voters
3-38 voting at an election held for that purpose.

3-39 (b) A contract approved by the district voters may contain a
3-40 provision stating that the contract may be modified or amended by
3-41 the board without further voter approval.

3-42 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-43 Sec. 7922A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-44 OBLIGATIONS. The district may issue bonds or other obligations
3-45 payable wholly or partly from ad valorem taxes, impact fees,
3-46 revenue, contract payments, grants, or other district money, or any
3-47 combination of those sources, to pay for any authorized district
3-48 purpose.

3-49 Sec. 7922A.0502. TAXES FOR BONDS. At the time the district
3-50 issues bonds payable wholly or partly from ad valorem taxes, the
3-51 board shall provide for the annual imposition of a continuing
3-52 direct ad valorem tax, without limit as to rate or amount, while all
3-53 or part of the bonds are outstanding as required and in the manner
3-54 provided by Sections 54.601 and 54.602, Water Code.

3-55 Sec. 7922A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-56 issuance, the total principal amount of bonds or other obligations
3-57 issued or incurred to finance road projects and payable from ad
3-58 valorem taxes may not exceed one-fourth of the assessed value of the
3-59 real property in the district.

3-60 SECTION 2. The Brazoria County Municipal Utility District
3-61 No. 83 initially includes all the territory contained in the
3-62 following area:

3-63 TRACT 1:

3-64 A 418.318 acre (18,221,949 square feet) tract, being all of
3-65 Lots 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33,
3-66 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47 and 50 of the
3-67 Allison-Richey Gulf Coast Home Company Suburban Gardens
3-68 Subdivision of Section 73, H.T. & B. Railroad Company Survey,
3-69 Abstract 301, according to the map or plat thereof, recorded in

4-1 Volume 2, Page 91 and 92, of the Plat Records of Brazoria County,
 4-2 Texas (B.C.P.R.) and being all of those certain tracts conveyed to
 4-3 Westbank Bayou, LP, called 19.919 acres (Lots 5-6), recorded in
 4-4 Brazoria County Clerk's File Number (B.C.C.F. No.) 2007021508,
 4-5 called 9.929 acres (Lot 8), recorded in B.C.C.F. No. 2007017868 and
 4-6 called 9.972 acres (Lot 16), recorded in B.C.C.F. No. 2007018701
 4-7 and being all of that certain tract conveyed to Charles L. Sowell
 4-8 called 9.988 acres (Lot 7), recorded in Volume 1177, Page 396, deed
 4-9 records of Brazoria County, Texas (B.C.D.R.), and being all of
 4-10 those certain tracts conveyed to Eastbank Bayou, LP, called 10
 4-11 acres (Lot 33), recorded In B.C.C.F. No. 2007022032, called 19.944
 4-12 acres (Lots 42-43), recorded in B.C.C.F. No. 2008004369 and called
 4-13 10 acres (Lot 47), recorded in B.C.C.F. No. 2008004367 and being
 4-14 all of that certain tract conveyed to Four Forty-Three Annex No. 1,
 4-15 LTD., called 10.00 acres (Lot 50), recorded in B.C.C.F.
 4-16 No. 2006045403 and being a part of that certain tract conveyed to
 4-17 Four Forty-Three Ltd. (called 433.09 acres), recorded in Volume
 4-18 1048, Page 760, B.C.D.R., with said 18,221,949 square foot tract of
 4-19 land being more particularly described by metes and bounds as
 4-20 follows:

4-21 COMMENCING at a 1/2 inch iron rod found at the Northeast
 4-22 corner of said Section 73 and an interior corner of the H.T. & B.
 4-23 Railroad Company Survey, Section 74, Abstract 493, recorded in
 4-24 Volume 2, Page 66, B.C.P.R.) and being at the centerline
 4-25 intersection of 60 foot Pollard Drive (as occupied) (Platted as 40
 4-26 feet - Volume 2, Page 91 and 92, B.C.P.R.) and 60 foot Del Bello
 4-27 Boulevard (as occupied)(Platted as 50 feet - Volume 2, Page 66,
 4-28 B.C.P.R.), marking the northeast corner of the Michael D. Roland
 4-29 and Marcy D. Roland tract (called 5.46 acres), recorded in B.C.C.F.
 4-30 No. 2004072423 and 2007030104, the northwest corner of the Michael
 4-31 C. Black tract (called 4.00 acres), recorded in B.C.C.F.
 4-32 No. 96-015514 and the Northeast corner of said Section 73;

4-33 THENCE S 86°50'29" W, along and with the common line of
 4-34 Section 73 and 74 and centerline of said 40 foot platted road, at
 4-35 658.00 feet pass a point marking the southwest corner of lot 1 of
 4-36 said Section 74 and the southeast corner of the Mary V O'Donnell
 4-37 Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91
 4-38 and 92, B.C.P.R., from which a 5/8 inch iron rod bears, 5 38°48'33"
 4-39 W, 3.08 feet, continuing along and with the common line of Section
 4-40 73 and Division "O" and centerline of said 40 foot platted road, a
 4-41 total distance of 1974.26 feet (called 1980.00 feet) to a 5/8 inch
 4-42 iron rod with cap stamped "FMS" set in the north line of Section 73,
 4-43 the north line of a 60 foot American Canal Company Easement,
 4-44 recorded in Volume 638, Page 127, B.C.D.R., the south line of said
 4-45 Division "O", Abstract 469, the south line of the Sylvia Buffy
 4-46 Orndorff and Dustin Aaron Different tract (called 13.93 acres),
 4-47 recorded in B.C.C.F. No. 2015054435, and the centerline of said 40'
 4-48 platted road, marking the northwest corner of the Katherine Ott
 4-49 Miles tract (called 5 acres), recorded in Volume 1459, Page 1,
 4-50 B.C.D.R., the northeast corner of said Eastbank Bayou, LP tract
 4-51 (Lot 33), and being the common corner of Lot 33 and 41 of said
 4-52 Section 73 at the most northerly Northwest corner and POINT OF
 4-53 BEGINNING of herein described tract:

4-54 THENCE S 03°24'40" E, along and with the common line of said
 4-55 Lot 33 and 41, a distance of 660.58 feet (called 660.00 feet) to a
 4-56 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking
 4-57 the southeast corner of said Eastbank Bayou, LP tract (Lot 33), the
 4-58 southwest corner of said Miles tract, the northwest corner of said
 4-59 Eastbank Bayou, LP tract (called 19.944 acres), an interior corner
 4-60 of herein described tract and being the common corner of Lots 33,
 4-61 41, 42 and 34 of said Section 73;

4-62 THENCE N 86°49'54" E, along and with the common line of Lots
 4-63 41, 42, 49 and 50 of said Section 73, a distance of 1314.38 feet
 4-64 (called 1320.00 feet) to a 5/8 inch iron rod with cap stamped "FMS"
 4-65 set, marking the southeast corner of the Jane Hetherington Brown
 4-66 and Norman Paul Brown tract (called 5 acres), recorded in B.C.C.F.
 4-67 No. 2014042893, the southwest corner of the Suzanne Renae Scopel
 4-68 tract (called 5 acres), recorded In B.C.C.F. No. 2005013089, the
 4-69 northwest corner of the Jeffery Wayne Scopel tract (called 1.157

5-1 acres), recorded in B.C.C.F. No. 2005013109, the northeast corner
 5-2 of said Four Forty-Three Annex No. 1, LTD. Tract (called 10.00
 5-3 acres) and the most easterly northeast corner of herein described
 5-4 tract and being the common corner of Lots 49, 55, 56 and 50 of said
 5-5 Section 73;

5-6 THENCE S 03°25'11" E, along and with the common line of Lots 50
 5-7 and 56 and east line of said Four Forty-Three Annex No. 1, LTD.
 5-8 tract, a distance of 660.67 feet (called 660.00 feet) to a 5/8 inch
 5-9 iron rod with cap stamped "FMS" set, marking the southwest corner of
 5-10 the Douglas Varner Tract (called 1.157 acres), recorded in Volume
 5-11 (91) 906, Page 253, of the official records of Brazoria County,
 5-12 Texas (B.C.O.R.), the northwest corner of the Laura Loterbauer
 5-13 tract (called Minor Plat of 2.50 acres), recorded in B.C.C.F.
 5-14 No. 2018006317, the northeast corner of the Louis Lira tract
 5-15 (called 20 acres), recorded in Volume 1694, Page 653, B.C.D.R. and
 5-16 an angle point for corner of herein described tract and being the
 5-17 common corner of Lots 50, 56, 57 and 51 of said Section 73;

5-18 THENCE S 86°50'32" W, along and with the common line of Lots 50
 5-19 and 51, same being the common line of said Four Forty-Three Annex
 5-20 No. 1, LTD. Tract and said Lira tract, a distance of 657.24 feet
 5-21 (called 660.00 feet), to a 5/8 inch iron rod with cap stamped "FMS"
 5-22 set, in the east line of said Eastbank Bayou, LP tract (called
 5-23 19.944 acres), marking the southwest corner of said Four
 5-24 Forty-Three Annex No. 1, LTD. tract, the northwest corner of said
 5-25 Lira tract, an interior corner of herein described tract and being
 5-26 the common corner of Lots 50, 51, 43 and 42 of said Section 73;

5-27 THENCE S 03°24'55" E, along and with the common line of Lots
 5-28 43, 51, 44, 52, 45, 46 and 61 at 1320.21 feet (called 1320.00 feet)
 5-29 pass a point in the centerline of a 40 foot platted road, recorded
 5-30 in Volume 2, page 91 and 92, B.C.P.R. marking the northwest corner
 5-31 of the Coastal Bend Land Investments, LP tract (called 40.0060
 5-32 acres)(called Lot 61), recorded in B.C.C.F. No. 2006049617 and
 5-33 being the common corner of Lots 44, 52, 61 and 45, continuing for a
 5-34 total distance of 3299.48 feet (called 3300.00 feet) to a 5/8 inch
 5-35 iron rod with cap stamped "FMS" set, marking the southwest corner of
 5-36 the Jose T. Villanueva and Trinidad Villanueva tract (called 5
 5-37 acres), recorded in B.C.C.F. No. 2004036528, the northwest corner
 5-38 of the Roger Hernandez Gandarillas and Shella M. Rosario Crespo
 5-39 tract (called 1.000 acre), recorded In B.C.C.F. No. 2015020827, the
 5-40 northeast corner of said Aspect Energy, LLC tract (called 10
 5-41 acres), the southeast corner of the said Eastbank Bayou, LP tract
 5-42 (called 10 acres)(Lot 47), the most easterly southeast corner of
 5-43 herein described tract and being the common corner of Lots 53, 54,
 5-44 48 and 47 of said Section 73;

5-45 THENCE S 86°49'54" W, along and with the common line of Lots 48
 5-46 and 47, same being the common line of said Eastbank Bayou, LP tract
 5-47 (Lot 47) and said Aspect Energy, LLC tract, a distance of 657.49
 5-48 feet (called 660.00 feet) to a 1/2 inch iron rod with cap stamped
 5-49 "Adams RPLS 3666" found in the east line of the of said 443.09 acre
 5-50 tract, marking the southwest corner of said Eastbank Bayou, LP
 5-51 tract and the northwest corner of said Aspect Energy, LLC tract, and
 5-52 interior corner of herein described tract and being the common
 5-53 corner of Lots 48, 40, 39 and 47 of said Section 73;

5-54 THENCE S 03°24'40" E, along and with the common line of Lots 48
 5-55 and 40, same being the common line of said Aspect Energy, LLC tract
 5-56 and said 443.09 acre tract, a distance of 660.05 feet (called 660.00
 5-57 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the
 5-58 centerline of a 40 foot platted road, recorded in Volume 2, Page 91
 5-59 and 92, B.C.P.R., in the called south line of Section 73 and the
 5-60 north line of the H.T. & B. Railroad Company Survey, Section 64,
 5-61 Abstract 483 and the north line of the Dr. A.A. Luther Subdivision
 5-62 of Manvel, recorded in Volume 1, Page 71 and 72 and Volume 3, Page
 5-63 139 and 140, B.C.P.R. and the north line of Outlot 181 of said
 5-64 Dr. A.A. Luther Subdivision, marking the northwest corner of the
 5-65 Coastal Bend Land Investments, LP tract (remainder of a called
 5-66 167.073 acre tract), recorded in B.C.C.F. No. 2004058628, the
 5-67 southwest corner of said Aspect Energy, LLC tract, an angle point in
 5-68 the east line of said 443.09 acre tract and an angle point for
 5-69 corner of herein described tract and being the common corner of Lots

6-1 48 and 40 of said Section 73, from which a 5/8 inch iron rod with cap
6-2 stamped "Base Line" found marking the southeast corner of said
6-3 Section 73 bears, S 86°50'11" W, 1975.03 feet;

6-4 THENCE S 86°50'11" W, continuing along and with the common
6-5 line of said Section 73, Section 64 and the Dr. A.A. Luther
6-6 Subdivision, same being the common line of said Outlot 181 and Lot
6-7 40, and centerline of said 40 foot platted road, a distance of
6-8 147.66 feet to a 5/8 inch iron rod with cap stamped "FMS" set in said
6-9 common line, marking the northeast corner of the Four Forty-Three,
6-10 LTD. Tract (called 24.00 acres)(Outlot 195), recorded in Volume
6-11 1048, Page 760, B.C.D.R. and an interior corner of herein described
6-12 tract and being the westerly line of a 40 foot platted road,
6-13 recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140,
6-14 B.C.P.R.;

6-15 THENCE S 19°30'25" W, along and with the easterly line of said
6-16 Outlot 195 and the westerly line of said 40 foot platted road, at
6-17 909.98 feet pass a 1/2 inch iron rod found, marking the
6-18 southeasterly corner of said Outlot 195 and the northeasterly
6-19 corner of the Four Forty-Three, LTD. Tract (called 20.00
6-20 acres)(North 1/2 of Outlot 180), continuing for a total distance of
6-21 1569.69 feet to a 1 inch iron pipe found, marking the southeasterly
6-22 corner of said 20.00 acre tract, the northeasterly corner of the
6-23 Beazer Homes Texas, LP tract (called 19.99 acres)(South 1/2 Outlot
6-24 180), recorded in B.C.C.F. No. 2016050422 and an angle point in the
6-25 westerly line of the Beazer Homes Texas, LP tract (called 5.40
6-26 acres), recorded in B.C.C.F. No. 2016050422 and the most easterly
6-27 southeast corner of herein described tract;

6-28 THENCE N 70°27'42" W, along and with the common line of said
6-29 North 1/2 of Outlot 180 and the South 1/2 of Outlot 180, a distance
6-30 of 1319.95 feet (called 1320.00 feet) to a 1/2 inch iron rod with
6-31 cap stamped "Adams RPLS 3666" found in the easterly line of the Four
6-32 Forty-Three, LTD. Tract (called 46.35 acres)(Outlot 175), marking
6-33 the common corner of the South 1/2 and North 1/2 of Outlet 180 and an
6-34 interior corner of herein described tract;

6-35 THENCE S 19°29'54" W, along and with the common line of said
6-36 46.35 acre tract and said 19.99 acre tract, same being the common
6-37 line of Outlot 180 and 175, a distance of 660.47 feet to a 1/2 inch
6-38 iron rod with cap stamped "LIA Eng" found in the north line of a 40
6-39 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume
6-40 3, Page 139 and 140, B.C.P.R., marking the most westerly northwest
6-41 corner of said 5.40 acre tract, the southeasterly corner of said
6-42 46.35 acre tract and the southwesterly corner of said 19.99 acre
6-43 tract and an interior corner of herein described tract;

6-44 THENCE N 70°26'20" W, along and with the south line of 46.35
6-45 acre tract and the north line of said 40 foot platted road, a
6-46 distance of 1321.08 feet to a 1/2 inch iron rod with cap stamped
6-47 "Adams RPLS 3666" found in the easterly line of the Four
6-48 Forty-Three, LTD. Tract (called 27.7947 acres)(Outlot 174) and the
6-49 westerly line of said 40 foot platted road, marking the
6-50 southwesterly corner of said 46.35 acre tract and an interior
6-51 corner of herein described tract;

6-52 THENCE S 19°28'54" W, along and with the common line of said
6-53 27.7947 acre tract and westerly line of said 40 foot platted road, a
6-54 distance of 1390.63 feet to a TxDot Brass Disk found in the
6-55 northwesterly right-of-way (r.o.w.) line of State Highway No. 6
6-56 (a.k.a. Morris Avenue)(200' R.O.W.), recorded in B.C.C.F.
6-57 No. 2013053500, marking the southeasterly corner of said 27.7947
6-58 acre tract and the most southerly southeast corner of herein
6-59 described tract;

6-60 THENCE N 70°30'10" W, along the northwesterly r.o.w. line of
6-61 said State Highway No. 6, a distance of 33.83 feet to a TxDot Brass
6-62 Disk found, marking the southeasterly corner of the Russell T. Rudy
6-63 and Randall D. Rudy tract (called 18 acres), recorded in Volume
6-64 1408, Page 806, B.C.D.R., the southwesterly corner of said 27.7947
6-65 acre tract and the most southerly southwest corner of herein
6-66 described tract, from which a TxDot Brass Disk found, at the
6-67 intersection of easterly r.o.w. line of County Road 82 (a.k.a. Iowa
6-68 Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816
6-69 and the northwesterly r.o.w. line of said State Highway No. 6,

7-1 marking the southwesterly corner of a 0.217 acre tract, recorded in
7-2 B.C.C.F. No. 2013053500 bears, N 70°30'10" W, 365.23 feet;
7-3 THENCE N 03°19'19" W, along and with the common line of said
7-4 27.7947 acre tract and said 18 acre tract, a distance of 2310.10
7-5 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666"
7-6 found, marking the northwest corner of said 27.7947 acre tract and
7-7 an angle point for corner of herein described tract, from which a
7-8 3/4 inch pinched top pipe bears, N 09°17' W, 1.1 feet and from which
7-9 an iron rod with cap stamped "Kalkomey" found in the easterly r.o.w.
7-10 line of said County Road 82, marking the northwest corner of said 18
7-11 acre tract, bears S 87°00'54" W, 328.14 feet and a 5/8 inch iron rod
7-12 found in the easterly r.o.w. line of said County Road 82, marking
7-13 the southwest corner of a called 41.4819 acre tract, recorded in
7-14 B.C.C.F. No. 2003061748 bears, N 02°13'14" W, 38.07 feet;
7-15 THENCE N 86°57'38" E, along and with the north line of said 18
7-16 acre tract, a distance of 729.52 feet to a 5/8 inch iron rod with cap
7-17 stamped "FMS" set, at the southwest corner of Section 73 and being
7-18 in the centerline intersection of two 40 foot platted roads and
7-19 being the common corner of said Section 73 and the H.T. & B.
7-20 Railroad Company Survey, Section 72, Abstract 460, marking the
7-21 southeast corner of the Brazos River Authority tract (called 6.676
7-22 acres)(cause no. S4,761A), recorded in Volume 33, Page 154,
7-23 district clerk records of Brazoria County, Texas (B.C.D.C.R.), the
7-24 southwest corner of the Brazoria County MUD No. 43 Drainage
7-25 Easement (called 1.675 acres, recorded in B.C.C.F. No. 2016026159,
7-26 the southwest corner of said 9.929 acre tract and an interior corner
7-27 of herein described tract;
7-28 THENCE N 03°28'57" W, along and with the common line of said
7-29 Section 73 and Section 72 and centerline of said 40 foot platted
7-30 road, at 40.00 feet pass a point marking the southwest corner of a
7-31 0.34 acre tract (Parcel 1) out of said called 41.4819 acre tract,
7-32 continuing for a total distance of 2640.38 feet (called 2640.00
7-33 feet) to a 1 inch iron pipe found, marking the northwest corner of a
7-34 0.25 acre tract (Parcel 2), the northwest corner of said 19.919 acre
7-35 tract, the northwest corner of a 3.430 acre drainage easement,
7-36 recorded in B.C.C.F. No. 2016026156, the northeast corner of said
7-37 Brazos River Authority tract (called 6.676 acres), the southeast
7-38 corner of the Brazos River Authority Parcel "D" tract (called 3.18
7-39 acres), recorded in Volume 1070, Page 315, B.C.D.R., the southwest
7-40 corner of the Brazos River Authority Parcel "B" tract (called 0.61
7-41 acres), recorded in Volume 1070, Page 318, B.C.D.R., the southwest
7-42 corner of the Brazoria County Municipal Utility District (M.U.D.)
7-43 No. 43 Drainage Easement tract (called 1.739 acres), recorded in
7-44 B.C.C.F. No. 2016011559 and the common corner of Lots 4 and 5,
7-45 Section 73, from which a 1/2 inch iron rod found in the east r.o.w.
7-46 line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied),
7-47 recorded in B.C.C.F. No. 2006021816, marking the southwest corner
7-48 of the Joan Bann eyer tract (called 1.367 acres), recorded in
7-49 B.C.C.F. No. 2005003981 and the northwest corner of the Sonmar of
7-50 Scottsdale, LLC tract (called 53.948 acres), bears S 86°37'46" W,
7-51 900.42 feet;
7-52 THENCE N 86°51'03" E, along and with the common line of herein
7-53 described tract and said lot 4 and the centerline of a 40 foot
7-54 platted road, at 657.75 feet (called 660.00 feet) pass a 3/4 inch
7-55 iron pipe found, marking the northeast corner of said 19.919 acre
7-56 tract and the southwest corner of the 102929 Brazoria Inc. tract
7-57 (called 34.90 acres), recorded in B.C.C.F. No. 2005033429 and being
7-58 the common corner of Lots 4, 12, 13 and 5, and at 1973.99 feet
7-59 (called 1980.00 feet) pass a 1/4 inch iron pipe found, marking the
7-60 southeast corner of said 34.90 acre tract and being the common
7-61 corner of Lots 20, 28, 29 and 21, continuing for a total distance of
7-62 2632.44 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap
7-63 stamped "FMS" found in the west line of a 60 foot American Canal
7-64 Company Easement, recorded in Volume 638, Page 127, B.C.D.R.,
7-65 marking an interior corner of said remainder of a 433.09 acre tract
7-66 and an interior corner of herein described tract and being the
7-67 common corner of Lots 28, 36, 37 and 29 of said Section 73;
7-68 THENCE N 03°27'06" W, along and with the common line of Lots
7-69 28, 36, 27, 35, 26, 34, 25 and 33 and the west line of said 60 foot

8-1 American Canal Company Easement, a distance of 2641.03 feet (called
8-2 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in
8-3 the north line of Section 73, the north line of a said 60 foot
8-4 American Canal Company Easement, the south line of the Mary V
8-5 O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2,
8-6 Page 91 and 92, B.C.P.R. the south line of the John and Edith
8-7 Lebourgeois tract (called 6.978 acres), recorded in B.C.C.F.
8-8 No. 98-053061, the north line of the Eastbank Bayou, LP tract
8-9 (called 19.950 acres), recorded in B.C.C.F. No. 2007022032 and the
8-10 centerline of said 40 foot platted road, marking the most northerly
8-11 northwest corner of herein described tract and being the common
8-12 corner of Lot 25 and 33 of said Section 73, from which a 1/2 inch
8-13 iron rod found bears, S 82°35" E, 14.3 feet;

8-14 THENCE N 86°50'29" E, along and with the common line of
8-15 Section 73, Division "O", the centerline of said 40 foot platted
8-16 road and the north line of said 60 foot American Canal Company
8-17 Easement, a distance of 659.60' (called 660.00 feet) to the POINT OF
8-18 BEGINNING and containing a calculated area of 418.318 acres of
8-19 land.

8-20 TRACT 2:

8-21 A 19.551 acre tract, being all of lots 6 and 12 of the
8-22 Mary V. O'Donnell Survey, Division "O", Abstract 469, according to
8-23 the map or plat thereof, recorded in Volume 2, Page 91 and 92, of the
8-24 plat records of Brazoria County, Texas, and being a part of that
8-25 certain tract recorded in Volume 1048, Page 760, B.C.D.R.

8-26 TRACT 1 and TRACT 2, together, equal a total area of 437.869
8-27 acres.

8-28 SECTION 3. (a) The legal notice of the intention to
8-29 introduce this Act, setting forth the general substance of this
8-30 Act, has been published as provided by law, and the notice and a
8-31 copy of this Act have been furnished to all persons, agencies,
8-32 officials, or entities to which they are required to be furnished
8-33 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-34 Government Code.

8-35 (b) The governor, one of the required recipients, has
8-36 submitted the notice and Act to the Texas Commission on
8-37 Environmental Quality.

8-38 (c) The Texas Commission on Environmental Quality has filed
8-39 its recommendations relating to this Act with the governor, the
8-40 lieutenant governor, and the speaker of the house of
8-41 representatives within the required time.

8-42 (d) All requirements of the constitution and laws of this
8-43 state and the rules and procedures of the legislature with respect
8-44 to the notice, introduction, and passage of this Act are fulfilled
8-45 and accomplished.

8-46 SECTION 4. (a) If this Act does not receive a two-thirds
8-47 vote of all the members elected to each house, Subchapter C, Chapter
8-48 7922A, Special District Local Laws Code, as added by Section 1 of
8-49 this Act, is amended by adding Section 7922A.0306 to read as
8-50 follows:

8-51 Sec. 7922A.0306. NO EMINENT DOMAIN POWER. The district may
8-52 not exercise the power of eminent domain.

8-53 (b) This section is not intended to be an expression of a
8-54 legislative interpretation of the requirements of Section 17(c),
8-55 Article I, Texas Constitution.

8-56 SECTION 5. This Act takes effect immediately if it receives
8-57 a vote of two-thirds of all the members elected to each house, as
8-58 provided by Section 39, Article III, Texas Constitution. If this
8-59 Act does not receive the vote necessary for immediate effect, this
8-60 Act takes effect September 1, 2021.

8-61 * * * * *