

By: Bailes

H.B. No. 5323

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Liberty County Municipal Utility District No. 12; 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 7977A to read as follows:

CHAPTER 7977A. LIBERTY COUNTY MUNICIPAL UTILITY DISTRICT NO. 12

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7977A.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 Liberty County Municipal Utility District No. 12.

Sec. 7977A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7977A.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.

1 Sec. 7977A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7977A.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district as required by
7 applicable law.

8 Sec. 7977A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

17 Sec. 7977A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 7977A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7977A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7977A.0202. TEMPORARY DIRECTORS. (a) On or after the
9 effective date of the Act enacting this chapter, the owner or owners
10 of a majority of the assessed value of the real property in the
11 district may submit a petition to the commission requesting that
12 the commission appoint as temporary directors the five persons
13 named in the petition. The commission shall appoint as temporary
14 directors the five persons named in the petition.

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

16 (1) the date permanent directors are elected under
17 Section 7977A.0103; or

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

20 (c) If permanent directors have not been elected under
21 Section 7977A.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 7977A.0103; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7977A.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 7977A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 7977A.0303. AUTHORITY FOR ROAD PROJECTS. Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve,
21 operate, maintain, and convey to this state, a county, or a
22 municipality for operation and maintenance macadamized, graveled,
23 or paved roads, or improvements, including storm drainage, in aid
24 of those roads.

25 Sec. 7977A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 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. 7977A.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.

Sec. 7977A.0306. DIVISION OF DISTRICT. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) An order dividing a district may create one or more new districts and may provide for the continuation of the district.

(c) An order dividing the district shall:

(1) name any new district;
(2) include the metes and bounds description of the territory of each of the districts;

(3) appoint temporary directors for any new district;

1 and

2 (4) provide for the division of assets and liabilities
3 between the districts.

4 (d) The board may adopt an order dividing the district
5 before or after the date the board holds an election to confirm the
6 district's creation.

7 (e) The district may be divided only if the district:

8 (1) has never issued any bonds; and

9 (2) is not imposing ad valorem taxes.

10 (f) A new district created by the division of the district
11 may not, at the time the new district is created, contain any land
12 outside the area described by Section 2 of the Act enacting this
13 chapter.

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

18 (h) This chapter applies to any new district created by the
19 division of the district, and a new district has all the powers and
20 duties of the district.

21 (i) A new district created by the division of the district
22 shall hold a confirmation and directors' election.

23 (j) If the creation of the new district is confirmed, the
24 new district shall provide the election date and results to the
25 commission.

26 (k) A new district created by the division of the district
27 must hold an election as required by this chapter to obtain voter

approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(1) The district may continue to rely on confirmation, directors', bond, or tax elections held prior to the division.

(m) Municipal consent to the creation of the district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7977A.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 7977A.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. 7977A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7977A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water

1 Code.

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

4 Sec. 7977A.0403. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7977A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 7977A.0502. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7977A.0503. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Liberty County Municipal Utility District
5 No. 12 initially includes all the territory contained in the
6 following area:

7 TRACT 1 - 460.66 Acres

8 480.66 ACRES OF LAND, SITUATED IN THE F.J. C. SMILEY SURVEY,
9 ABSTRACT 345, LIBERTY COUNTY, TEXAS, BEING A PART OF THAT CERTAIN
10 590.04 ACRE TRACT DESCRIBED AS TRACT THREE IN A DEED FROM
11 INTERNATIONAL PAPER REALTY CORPORATION TO COPPER STATION HOLDINGS,
12 LLC RECORDED IN LIBERTY COUNTY CLERK'S FILE 2005004984, SAID 480.66
13 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

14 BEGINNING at a concrete monument stamped "CP&F L-160" found
15 for the lower Northwest corner of the herein described tract at an
16 ell corner of said 590.04 acre tract, the Northeast corner of
17 Tarkington Acres, according to the Plat recorded in Volume 8, Page
18 21, Liberty County Map Records, and the Southeast corner of a 68.0
19 acre tract described in a deed to William L. Bailey recorded in
20 Liberty County Clerk's File 2005016474;

21 Thence North 53 deg. 34 min. 28 sec. East, along the Southeast
22 line of the Bailey tract, a distance of 2533.94 feet to 1/2 inch
23 iron rod found for a corner of said Bailey tract;

24 Thence North 04 deg. 56 min. 54 sec. West, along the East line
25 of the Bailey tract, at 60.20 feet pass a 1 inch iron bar found at
26 the Northeast corner of the Bailey tract, being a corner of said
27 590.04 acre tract and the Southeast corner of the David L. Muck 10.0

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1 acre tract described in clerk's File 2005003535, continue along the
2 West line of said 590.04 acre tract, at 1024.62 feet pass a 1/2 inch
3 iron rod set in the South right-of-way line of County Road 2184,
4 from which point a 3/8 inch iron rod found at a fence corner bears
5 North 70 deg. 46 min. 06 sec. East - 35.44 feet, and continue for a
6 total distance of 1050.63 feet to a 60d nail set for the upper
7 Northwest corner of the herein described tract in the centerline of
8 County Road 2184, said point being the southwest corner of the
9 Kaitlyn Hanka 42.87 acre tract described in Clerk's File
10 2005016201;

11 Thence North 70 deg. 39 min. 07 sec. East, along the
12 centerline of County Road 2184, with the Southerly line of the Hanka
13 tract, a distance of 873.25 feet to an angle point;

14 Thence North 70 deg. 09 min. 40 sec. East, along the
15 centerline of County Road 2184, with the Southerly line of the Hanka
16 tract, a distance of 376.40 feet to an angle point;

17 Thence North 68 deg. 18 min. 24 sec. East, along the
18 centerline of County Road 2184, with the southerly line of the Hanka
19 tract, a distance of 110.56 feet to an angle point;

20 Thence North 65 deg. 24 min. 12 sec. East, along the
21 centerline of County Road 2184, with the Southerly line of the Hanka
22 tract, a distance of 50.58 feet to an angle point;

23 Thence North 63 deg. 57 min. 20 sec. East, along the
24 centerline of County Road 2184, with the southerly line of the Hanka
25 tract, a distance of 51.05 feet to an angle point;

26 Thence North 61 deg. 43 min. 32 sec. East, along the
27 centerline of County Road 2184, with the southerly line of the Hanka

1 tract, a distance of 6.88 feet to an angle point;

2 Thence North 60 deg. 11 min. 45 Sec. East, along the
3 centerline of County Road 2184, with the Southerly line of the Hanka
4 tract, a distance of 153.55 feet to an angle point;

5 Thence North 59 deg. 30 min. 01 sec. East, along the
6 centerline of County Road 2184, with the Southerly line of the Hanka
7 Tract, a distance of 162.45 feet to a point marking the Northeast
8 corner of the herein described tract at the southeast corner of the
9 Hanka tract, in the East line of the aforementioned 590.04 acre
10 tract;

11 Thence South 03 deg. 33 min. 57 sec. East, along the East line
12 of said 590.04 acre tract, at 37.18 feet pass an axle found, and
13 continue along the West line of the Sean Hardy Nelson 26.341 acre
14 tract described in Clerk's File 2005004844, the Billy E. Fly 6.0
15 acre tract described in Clerk's File 2006014900, the Foster Jay
16 Nelson tract described in Clerk's File 2005013371, which line is
17 the West line of the Nelson 99.4 acre tract and the Nelson 100 acre
18 tract, and continue for a total distance of 4946.17 feet to an axle
19 found for angle point;

20 Thence South 01 deg. 57 min. 20 sec. East (call South 01 deg.
21 56 min. 23 sec. East), along the West line of the J. F. McAdams tract
22 described in Volume 314, Page 579, Deed Records, a distance of
23 1850.26 feet (call 1849.98 feet) to a concrete monument found at the
24 Southeast corner of said 590.04 acre tract and the Northeast corner
25 of Oak Shadows Subdivision, according to the Plat recorded in
26 Volume 8, Page 59, Liberty County Map Records;

27 Thence South 87 deg. 22 min. 40 sec. West (call south 87 deg.

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27 min. 25 sec. West), along the South line of said 590.04 acre tract and the North line of Oak Shadows Subdivision, passing several 1/2 inch iron rods found generally on line, a distance of 3938.18 feet (call 3937.67 feet) to a concrete monument found at the Southwest corner of said 590.04 acre tract and the Northwest corner of Oak Shadows Subdivision, in the East line of the Charles Stetson, Jr. tract described in Volume 961, Page 191, Deed Records;

Thence North 02 deg. 13 min. 16 sec. West, along the West line of said 590.04 acre tract and the East line of the Stetson tract, the East line of the Kenneth O'Brien, Jr. tract described in Volume 1985, Page 875, Official Records, and the East line of Tarkington Acres, passing several 1/2 inch iron rods found generally on line, a distance of 3698.88 feet to the PLACE OF BEGINNING and containing 480.66 acres of land and being the same land described in Liberty County Clerk's File 2007004426.

TRACT 2 - 253.23 Acres

253.23 acres of land situated in the F.J.C. Smiley League, Abstract Number 345, Liberty County, Texas, being a portion of that certain called 576.84 acres of land described in deed recorded under Volume 314, Page 579 of the Deed Records of Liberty County, Texas, being all of that certain called 10.0274 acres of land described in deed recorded under Volume 670, Page 365 of the Deed Records of Liberty County, Texas and all of that certain called 2.6 acres of land described in deed recorded under Volume 561, Page 565 of the Deed Records of Liberty County, Texas, said 253.23 acres of land being more particularly described by metes and bounds as follows:

1 COMMENCING at a concrete monument found for the Northwesterly
2 corner of that certain Oak Shadows Subdivision, a subdivision as
3 shown on map or plat recorded under Volume 8, Page 59 of the Map
4 Records of Liberty County, Texas and the southwesterly corner of
5 that certain called 480.66 acres of land described in deed recorded
6 in the Official Public Records of Real Property of Liberty County,
7 Texas, under County Clerk's File Number 2016007160;

8 Thence, N 89°47'00" E, along the Northerly line of said Oak
9 Shadows Subdivision and the southerly line of said 480.66 acre
10 tract, a distance of 3,938.29 feet to a concrete monument found in
11 the Westerly line of said 576.84 acre tract, for the northeasterly
12 corner of said Oak Shadows Subdivision, the southeasterly corner of
13 said 480.66 acre tract and the POINT OF BEGINNING of the herein
14 described tract of land;

15 Thence, N 00°26'34" E, along the easterly line of said 480.66
16 acre tract, a distance of 1,850.33 feet to an axle found for the
17 southwesterly corner of that certain 3.1 acre tract described in
18 deed recorded under Volume 559, Page 113 of the Deed Records of
19 Liberty County, Texas;

20 Thence, S 89°52'31" E, along the southerly line of said 3.1
21 acre tract, a distance of 2,073.84 feet to an axle found in the
22 southerly line of said 3.1 acre tract;

23 Thence, N 00°39'46" W, along the easterly line of said 3.1
24 acres, an easterly line of that certain called 99.4 acres of land
25 described in deed recorded in the Official Public Records of Real
26 Property of Liberty County, Texas, under County Clerk's File Number
27 20005013371 and along the Westerly line of said 2.6 acre tract, a

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1 distance of 1,939.12 feet to a 5/8 inch iron rod with cap set for an
2 interior corner of said 99.4 acre tract and the northwesterly
3 corner of said 2.6 acre tract;

4 Thence, N 88°59'50" E, along a southerly line of said 99.4
5 acre tract, a distance of 60.00 feet to an axle found for the
6 southwesterly corner of that certain called 23.6084 acres of land
7 described in deed recorded in the Official Public Records of Real
8 Property of Liberty County, Texas, under County Clerk's File Number
9 2006009319 and the northwesterly corner of that certain called
10 24.628 acres of land described in deed recorded in the Official
11 Public Records of Real Property of Liberty County, Texas, under
12 County Clerk's File Number 2016001692;

13 Thence, S 00°38'29" E, along the westerly line of said 24.628
14 acre tract, a distance of 1,400.66 feet to an axle found for the
15 southwesterly corner of said 24.628 acre tract and the
16 northwesterly corner of that certain called 8.8163 acres of land
17 described in deed recorded under Volume 1906, Page 167 of the Deed
18 Records of Liberty County, Texas;

19 Thence, S 00°43'07" E, along the westerly line of said 8.8163
20 acre tract, a distance of 236.36 feet to a 5/8 inch iron rod with cap
21 set for the southwesterly corner of said 8.8163 acre tract and the
22 northwesterly corner of said 10.0274 acre tract;

23 Thence, N 89°09'16" E, along the Southerly line of said 8.8163
24 acre tract, a distance of 1,777.39 feet to a 3/4 inch iron rod found
25 in a westerly line of that certain called 1090.0 acres of land
26 described in deed recorded under volume 1957, Page 554 of the Deed
27 Records of Liberty County, Texas, for the southeasterly corner of

1 said 8.8163 acre tract.

2 Thence, along a westerly line of said 1090.0 acre tract, the
3 following courses and distances:

4 S 63°06'14" E, a distance of 27.94 feet to a point of curvature
5 to the right;

6 In a southeasterly direction, with said curve to the right,
7 having a central angle of 39°51'52", an arc length of 183.13 feet, a
8 radius of 263.21 feet, a chord bearing of S 43°10'18" E and a chord
9 distance of 179.46 feet to a point of tangency;

10 S 23°14'22" E, a distance of 92.72 feet to a 3/4 inch iron rod
11 in concrete found in the Northerly line of that certain called 12
12 acres of land described in deed recorded in the Official Public
13 Records of Real Property of Liberty County, Texas, under County
14 Clerk's File Number 2016012578 for the Southeasterly corner of said
15 10.0274 acre tract and a westerly corner of said 1090.0 acre tract;

16 Thence, N 89°35'31" W, along the northerly line of said 12
17 acre tract, a distance of 269.19 feet to a 3/4 inch iron rod found
18 for the Northwesterly corner of said 12 acre tract;

19 Thence, S 01°19'18" E, along the westerly line of said 12 acre
20 tract and the Westerly line of that certain called 12 acres of land
21 described in deed recorded under Volume 1268, Page 315 of the Deed
22 Records of Liberty County, Texas, at 676.67 feet pass a 3/4 inch
23 iron rod found for the Southwesterly corner of said 12 acre tract
24 recorded under Liberty County Clerk's File Number 2016012578 and
25 the Northwesterly corner of said 12 acre tract recorded under
26 Volume 1268, Page 315 of the Deed Records of Liberty County, in all
27 a total distance of 1,375.17 feet to a 5/8 inch iron rod with cap set

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1 for the Southwesterly corner of said 12 acre tract recorded under
2 Volume 1268, Page 315 of the Deed Records of Liberty County;

3 Thence, S 89°45'33" E, along the Southerly line of said 12
4 acre tract recorded under Volume 1268, Page 315 of the Deed Records
5 of Liberty County, a distance of 772.79 feet to a 5/8 inch iron rod
6 with cap set in the Westerly line of that certain called 14.1112
7 acres of land described in deed recorded in the Official Public
8 Records of Real Property of Liberty County, Texas, under County
9 Clerk's File Number 2015002555, for the Southeasterly corner of
10 said 12 acre tract recorded under Volume 1268, Page 315 of the Deed
11 Records of Liberty County;

12 Thence, S 02°39'07" E, along the Westerly line of said 14.1112
13 acre tract, a distance of 436.62 feet to a railroad tie found for
14 the Northwesterly corner of that certain called 65 acres of land
15 described in deed recorded under Volume 1268, Page 315 of the Deed
16 Records of Liberty County, Texas and the Southwesterly corner of
17 said 14.1112 acre tract;

18 Thence, S 01°29'49" E, along the Westerly line of said 65 acre
19 tract and partially along the Westerly line of that certain called 5
20 acres of land described in deed recorded under Volume 1268, Page 315
21 of the Deed Records of Liberty County, Texas, a distance of 1,273.11
22 feet to a 1-1/2 inch iron pipe found in Southerly line of that
23 certain 200' Gulf States Utilities Company Right-of-way Easement
24 recorded under Volume 648, Page 606 of the Deed Records of Liberty
25 County, Texas and the Westerly line of said 5 acre tract;

26 Thence, N 76°56'31" W, along the Southerly line of said 200'
27 Gulf States Utilities Company Right-of-way Easement, a distance of

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1 4,818.85 feet to a 1/2 inch iron pipe found in the Easterly line of
2 said Oak Shadows Subdivision;

3 Thence, N 00°25'01" W, along the Easterly line of said Oak
4 Shadows Subdivision, a distance of 49.82 feet to the POINT OF
5 BEGINNING and containing 253.23 acres of land.

6 Tract 3 - 24.97 Acres

7 A tract or parcel of land containing 24.97 acres situated in
8 the F.J.C. Smiley Survey, Abstract No. 345 and being part of the
9 first 55.023 acre tract in deed dated December 23, 1965 and recorded
10 in Volume 595, Page 149, of the Deed Records of Liberty County, TX,
11 and also being all of the 8.8163 acres of land out of a 18.8437 acre
12 tract of land out of the 26.1932 acres conveyed to C.J. Martin by
13 deed recorded in Volume 608, Page 323, Deed Records of Liberty
14 County, TX, being more particularly described as follows:

15 From the point of beginning being a found concrete monument
16 for the Southwest corner of said 55.023 acre tract;

17 Thence, North 03° 01' 09" West, a distance of 1250.99 feet to a
18 set five-eight inch iron rod in the Southerly margin of County Road
19 2189;

20 Thence, across County Road 2189, North 03° 01' 09" West, a
21 distance of 34.75 feet to a found five-eight inch iron rod in the
22 northerly margin of County Road 2189;

23 Thence, along said northerly margin, South 62° 42' 10" East, a
24 distance of 34.75 feet to a found five-eight-inch iron rod;

25 Thence, leaving said northerly margin, South 03° 01' 09" East,
26 a distance of 17.16 feet to a set PK nail in the center of said road;

27 Thence, along and with the center of said road, South 63° 59'

1 38" East, a distance of 99.61 feet to a point;

2 Thence, South 55° 06' 29" East, a distance of 288.37 feet to a
3 point;

4 Thence, along a curve to the right with a chord bearing of
5 South 42° 10' 03" East, a distance of 239.61 feet to a point, said
6 curve having a radius of 535.00 feet and arc length of 241.66 feet;

7 Thence, South 29° 13' 38" East, a distance of 378.87 feet to a
8 point;

9 Thence, South 22° 16' 06" East, a distance of 355.00 feet to a
10 point;

11 Thence, along a curve to the right with a chord bearing of
12 South 20° 40' 44" East, a distance of 31.09 feet to a set PK nail,
13 said curve having a radius of 756.43 feet and arc length of 31.09
14 feet;

15 Thence, leaving center of said road, North 86° 58' 51" East, a
16 distance of 14.16 feet to a found five-eighth inch iron rod in the
17 easterly margin of said road;

18 Thence, along and with said margin, South 17° 53' 19" East, a
19 distance of 67.87 feet to a found five-eighth inch iron rod;

20 Thence, South 11° 36' 11" East, a distance of 70.19 feet to a
21 found five-eighth inch iron rod;

22 Thence, leaving said margin, South 86° 58' 51" West, a
23 distance of 30.34' to a set five-eighth inch iron rod in the westerly
24 margin of said road;

25 Thence, along and with said margin, South 15° 42' 11" East, a
26 distance of 29.61 feet to a set five-eighth inch iron rod;

27 Thence, along a curve to the left with a chord bearing of

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1 South 37° 08' 29" East, a distance of 187.86 feet to a point, said
2 curve having a radius of 197.67 feet and arc length of 195.76 feet;

3 Thence, South 65° 30' 45" East, a distance of 110.94 feet to a
4 found three-quarter inch iron rod for the southeast corner of the
5 tract herein described;

6 Thence, leaving said margin, South 86° 44' 45" West, a
7 distance of 1774.10 feet to a set five-eight inch iron rod for the
8 southwest corner of the tract herein described;

9 Thence, North 03° 09' 41" West, a distance of 242.39 feet to a
10 found car axle;

11 Thence, North 86° 56' 29" East, a distance of 763.02 feet to
12 the point of beginning. said tract or parcel containing 24.97 acres
13 of land.

14 SAVE AND EXCEPT 5.57 Acres:

15 A tract or parcel of land, more particularly described as
16 Tract-A1 containing 5.57 acres situated in the F.J.C. Smiley
17 Survey, Abstract No. 345 and being part of the first 55.023 acre
18 tract in deed dated December 23, 1965 and recorded in Volume 595,
19 Page 149, of the Deed Records of Liberty County, TX, being more
20 particularly described as follows:

21 From the point of commencement, being a concrete monument
22 found at the Southwest corner of a 55.023 acre tract and described
23 in a deed as first tract dated December 23, 1965, and recorded in
24 Volume 595, Page 149, of the Deed Records of Liberty County, Texas,
25 the point of beginning bears North 03° 01' 09" west, a distance of
26 422.56 feet; said point of beginning is marked by a set five-eight
27 inch iron rod;

H.B. No. 5323

1 Thence, North 03° 01' 09" West, a distance of 845.80 feet to
2 the center of County Road 2189, from which a found five-eighth inch
3 iron rod bears South 03° 01' 09" East a distance of 17.37 feet at the
4 southern margin of said road;

5 Thence, along and with center of said road, south 63° 44' 24"
6 east, a distance of 134.25 feet to a point;

7 Thence, South 55° 06' 29" East, a distance of 288.37 feet to a
8 point;

9 Thence, on a curve to the right, said curve having a chord
10 bearing of South 46° 37' 16" East a chord length of 157.91 feet, an
11 arc length of 158.49 feet and radius of 535.00 feet, to a set
12 five-eighth inch iron rod;

13 Thence, leaving the center of said road, South 31° 01' 52"
14 West, a distance of 374.23 feet to a set five-eighth inch iron rod;

15 Thence, South 03° 01' 09" East, a distance of 178.53 feet to a
16 set five-eighth inch iron rod;

17 Thence, South 86° 58' 51" West, a distance of 243.99 feet to
18 the point of beginning.

19 Said tract or parcel containing 5.57 acres of land.

20 TRACT 4 - 10.00 Acres

21 Fieldnotes for a survey of a 10.000 acre tract of land out of
22 the F. J. Smiley Survey, Abstract No. 345, Liberty County, Texas,
23 and being out of the northerly portion of an original called 26.341
24 acre tract out of the Doris Nelson 100 acre tract described in deed
25 recorded in Volume 515, Page 314 of the Deed Records of Liberty
26 County, Texas,, and the Doris Nelson 99.4 acre tract described in
27 Volume 529, Page 482 of said Deed Records, said 10.000 acre tract

being more particularly described by metes and bounds as follows:

BEGINNING at an axle found in the southeast right-of-way line of County Road 2184, at the northeast corner of that certain called 480.66 acre tract described in deed recorded under Liberty County Clerk's File No. 2016007160 , and also marking the northwest corner and POINT OF BEGINNING of the herein described tract;

Thence N 60 deg. 59 min. 45 sec. E, 221.57 feet along said southeast right-of-way line of County Road 2184 to its intersection with the westerly right-of-way line of County Road 2189, for the northeast corner of the herein described tract, from which a 3/8 inch iron rod bears N 21 deg. 12 min. 28 sec. W, 3.66 feet;

Thence along said westerly line right-of-way line of County Road 2189 the following:

S 13 deg. 16 min. 09 sec. E, 676.67 feet;

S 12 deg. 47 min. 30 sec. E, 70.12 feet;

S 07 deg. 12 min. 30 sec. E, 105.45 feet;

S 02 deg. 49 min. 30 sec. W, 203.00 feet; and

S 01 deg. 07 min. 58 sec. W, 387.62 feet, to a point being the northeast corner of that certain called 6.00 acre tract described in deed recorded under said County Clerk's File No. 2006014900, and also being the southeast corner of the herein described tract;

Thence S 89 deg. 05 min. 50 sec. W along the north line of said called 6.00 acre tract, at 20.00 feet passing a found 3/8 inch iron rod, and continuing for a total distance of 339.43 feet to a 5/8 inch iron rod set in the east line of said called 480.66 acre tract, marking the northwest corner of said called 6.00 acre tract, and southwest corner of the herein described tract;

1 Thence N 00 deg. 54 min. 10 sec. W, 1320.01 feet along the
2 east line of said called 480.66 acre tract to the POINT OF BEGINNING
3 of the herein described 10.000 acre (435,559 square feet) tract of
4 land, and being that same property described in deed recorded under
5 said County Clerk's File No. 2013019193.

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

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

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

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

24 SECTION 4. (a) If this Act does not receive a two-thirds
25 vote of all the members elected to each house, Subchapter C, Chapter
26 7977A, Special District Local Laws Code, as added by Section 1 of
27 this Act, is amended by adding Section 7977A.0307 to read as

1 follows:

2 Sec. 7977A.0307. NO EMINENT DOMAIN POWER. The district may
3 not exercise the power of eminent domain.

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

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.