

By: Kacal

H.B. No. 5366

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Grimes County Municipal Utility District No. 3; 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 7878A to read as follows:

CHAPTER 7878A. GRIMES COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7878A.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 Grimes County Municipal Utility District No. 3.

Sec. 7878A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7878A.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. 7878A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7878A.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. 7878A.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. 7878A.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. 7878A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7878A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7878A.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 7878A.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 7878A.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 7878A.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. 7878A.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. 7878A.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. 7878A.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. 7878A.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

1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

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

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

11 Sec. 7878A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
12 ORDINANCE OR RESOLUTION. The district shall comply with all
13 applicable requirements of any ordinance or resolution that is
14 adopted under Section 54.016 or 54.0165, Water Code, and that
15 consents to the creation of the district or to the inclusion of land
16 in the district.

17 Sec. 7878A.0306. DIVISION OF DISTRICT. (a) The board, on
18 its own motion or on receipt of a petition signed by the owner or
19 owners of a majority of the assessed value of the real property in
20 the district, may adopt an order dividing the district.

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

23 (c) An order dividing the district must:

24 (1) name any new district;

25 (2) include the metes and bounds description of the
26 territory of each of the districts;

27 (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 under Section
6 7878A.0103 to confirm the 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
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 as required by
23 Section 7878A.0103.

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

27 (k) A new district created by the division of the district

1 must hold an election as required by this chapter to obtain voter
2 approval before the district may impose a maintenance tax or issue
3 bonds payable wholly or partly from ad valorem taxes.

4 (l) The district may rely on confirmation, directors',
5 bond, or tax elections held prior to the division of the district.

6 (m) Municipal consent to the creation of the district and to
7 the inclusion of land in the district granted under Section
8 7878A.0104 acts as municipal consent to the creation of any new
9 district created by the division of the district and to the
10 inclusion of land in the new district.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 7878A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
13 The district may issue, without an election, bonds and other
14 obligations secured by:

- 15 (1) revenue other than ad valorem taxes; or
16 (2) contract payments described by Section
17 7878A.0403.

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

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

26 Sec. 7878A.0402. OPERATION AND MAINTENANCE TAX. (a) If
27 authorized at an election held under Section 7878A.0401, the

1 district may impose an operation and maintenance tax on taxable
2 property in the district in accordance with Section 49.107, Water
3 Code.

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

6 Sec. 7878A.0403. CONTRACT TAXES. (a) In accordance with
7 Section 49.108, Water Code, the district may impose a tax other than
8 an operation and maintenance tax and use the revenue derived from
9 the tax to make payments under a contract after the provisions of
10 the contract have been approved by a majority of the district voters
11 voting at an election held for that purpose.

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

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 7878A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS. The district may issue bonds or other obligations
18 payable wholly or partly from ad valorem taxes, impact fees,
19 revenue, contract payments, grants, or other district money, or any
20 combination of those sources, to pay for any authorized district
21 purpose.

22 Sec. 7878A.0502. TAXES FOR BONDS. At the time the district
23 issues bonds payable wholly or partly from ad valorem taxes, the
24 board shall provide for the annual imposition of a continuing
25 direct ad valorem tax, without limit as to rate or amount, while all
26 or part of the bonds are outstanding as required and in the manner
27 provided by Sections 54.601 and 54.602, Water Code.

1 Sec. 7878A.0503. BONDS FOR ROAD PROJECTS. At the time of
2 issuance, the total principal amount of bonds or other obligations
3 issued or incurred to finance road projects and payable from ad
4 valorem taxes may not exceed one-fourth of the assessed value of the
5 real property in the district.

6 SECTION 2. The Grimes County Municipal Utility District
7 No. 3 initially includes all the territory contained in the
8 following area:

9 Tract 1: 538.64 acres

10 Being a tract of land containing 557.61 acres (24,289,539
11 square feet), located in the Blake Brantley Survey, A-104, the Gwyn
12 Morrison Survey, A-357, the Edley Montgomery Survey, A-355, the
13 Samuel New Survey, A-365, the Thomas Corner Survey, A-155, the
14 William R. Wheelis Survey, A-481, the E.T. Estis Survey, A-194, the
15 William R. Wheelis Survey, A-480, and the Thomas Corner Survey,
16 A-167 in Grimes County, Texas; Said 557.61 acre tract being out of
17 portion of the remainder of a called 127.86 acre tract, recorded in
18 the name of SH 249 Development IV, LLC, under Grimes County Deed
19 Record (G.C.D.R.) Vol. 1727, Pg. 349, and a portion of the remainder
20 of a called 111.64 acre tract, recorded in the name of SH 249
21 Development III, LLC, under G.C.D.R. Vol. 1727, Pg. 331, and a
22 portion of the remainder of a called 99.58 acre tract, recorded in
23 the name of SH 249 Development II, LLC, under G.C.D.R. Vol. 1727,
24 Pg. 337, and a portion of the remainder of a called 98.65 acre
25 tract, recorded in the name of SH 249 Development I, LLC, under
26 G.C.D.R. Vol. 1727, Pg. 343, the remainder of a called 200 acre
27 tract, recorded in the name of Marilyn Joyce Fuchs Knighten, under

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1 G.C.D.R. Vol. 654, Pg. 471, a called 27.26 acre tract, recorded in
2 the name of Marilyn Joyce Fuchs Knighten, under Grimes County
3 Clerk's File (G.C.C.F.) No. 2022-326157, a called 99.95 acre Tract
4 1, recorded in the name of Robert E. Fuchs, Jr., under G.C.D.R. Vol.
5 1539, Pg. 785, a called 99.95 acre Tract 2, recorded in the name of
6 Virginia Lynne Fuchs Winn, (N/K/A Virginia Lynne (Fuchs) Gantt,
7 under G.C.D.R. Vol. 1539, Pg. 777, a called 8.467 acre tract,
8 recorded in the name of Betty F. Swonke Fuchs (per Grimes County
9 CAD) being a portion of said 99.95 acre Tract 2; said 557.61 acre
10 tract being more particularly described by metes and bounds as
11 follows (bearings based on the Texas Coordinate system of 1983,
12 Central Zone, per TxDOT Right-Of-Way (R.O.W.) Plans for SH 249.):

13 BEGINNING at the southeast corner of said 27.26 acre tract,
14 the northeast corner of said 99.95 acre Tract 1, said point being on
15 the west R.O.W. of FM 1774 (100' wide per TxDOT R.O.W. Plans for
16 Project C-1400-2-1 dated May 1954);

17 THENCE, with the line common to said 99.95 acre Tract 1, said
18 99.95acre Tract 2, said 8.467 acre tract, and said FM 1774 R.O.W.,
19 the following two (2) courses:

20 1. South 07 degrees 41 minutes 42 seconds East, a distance
21 of 961.76 feet to the southeast corner of said 99.95 acre Tract 1,
22 and the northeast corner of said 99.95acre Tract 2, and an angle
23 point;

24 2. South 07 degrees 45 minutes 38 seconds East, a distance
25 of 591.53 feet to the southeast corner of said 8.467 acre tract, and
26 the northeast corner of a called 22 acre tract recorded in the name
27 of Cobalt 201, Ltd., under G.C.C.F. No. 2020-306609, and an angle

1 point;

2 THENCE, along the line common to said 99.95 acre Tract 2, said
3 8.467 acre tract, said 22 acre tract, a called 15.87 acre tract
4 recorded in the name Marcus and Joyce Stewart, under G.C.D.R. Vol.
5 1352, Pg. 636, and a called 17.00 acre tract recorded in the name
6 Marcus and Joyce Stewart, under G.C.D.R. Vol. 1352, Pg. 648, a
7 called 28.00 acre Tract B recorded in the name if Robert Earl Fuchs
8 and Marilyn Joyce Fuchs Knighten, under G.C.D.R. Vol. 1445, Pg. 492
9 and G.C.D.R. Vol. 304, Pg. 763, a called 12.5 acre tract (Second
10 Tract) recorded in the name of Ruth Carraway Hughey, under G.C.D.R.
11 Vol. 301, Pg. 151, a called 9.97 acre tract recorded in the name of
12 Lucille Carraway Glass, under G.C.D.R. Vol. 1218, Pg. 374, the
13 remainder of a called 40 acre tract recorded in the name of Lucille
14 Carraway Glass, under G.C.D.R. Vol. 301, Pg. 158, and a called
15 7.3418 acre tract recorded in the name of Alfred H. Jackson, under
16 G.C.D.R. Vol. 650, Pg. 483, the following seven (7) courses:

17 1. South 88 degrees 04 minutes 02 seconds West, a distance
18 of 1890.70 feet to an angle point;

19 2. South 02 degrees 14 minutes 33 seconds East, a distance
20 of 1242.08 feet to an angle point;

21 3. South 86 degrees 01 minutes 01 seconds West, a distance
22 of 37.37 feet to an angle point;

23 4. South 03 degrees 49 minutes 48 seconds East, a distance
24 of 994.17 feet to an angle point;

25 5. South 86 degrees 10 minutes 12 seconds West, a distance
26 of 1229.80 feet to an angle point;

27 6. North 03 degrees 39 minutes 33 seconds West, a distance

1 of 135.56 feet to an angle point;

2 7. South 85 degrees 46 minutes 43 seconds West, a distance
3 of 388.83 feet to the most westerly southwest corner of said 99.95
4 acre Tract 2, and the northwest corner of said 7.3418 acre tract,
5 and being on the easterly line of a 125' wide Union Pacific Railroad
6 (U.P.RR.) R.O.W., and an angle point;

7 THENCE, along the line common to said 99.95 acre Tract 2, said
8 99.95 acre Tract 1, said remainder of a 200 acre tract, said portion
9 of the remainder of a 127.86 acre tract, and said U.P.RR. R.O.W.,
10 the following fifteen (15) courses:

11 1. North 16 degrees 59 minutes 29 seconds West, a distance
12 of 1002.65 feet to the beginning of a curve to the left;

13 2. 656.46 feet along the arc of said curve to the left having
14 a radius of 2686.60 feet, a central angle of 14 degrees 00 minutes
15 00 seconds and a chord that bears North 23 degrees 59 minutes 29
16 seconds West, a distance of 654.83 feet to an angle point;

17 3. North 30 degrees 59 minutes 32 seconds West, a distance
18 of 449.44 feet to an angle point;

19 4. North 31 degrees 02 minutes 01 seconds West, a distance
20 of 1604.20 feet to an angle point;

21 5. North 30 degrees 59 minutes 47 seconds West, a distance
22 of 1888.14 feet to an angle point;

23 6. North 29 degrees 43 minutes 53 seconds West, a distance
24 of 40.44 feet to an angle point;

25 7. North 27 degrees 56 minutes 18 seconds West, a distance
26 of 97.89 feet to an angle point;

27 8. North 25 degrees 41 minutes 00 seconds West, a distance

1 of 98.52 feet to an angle point;

2 9. North 22 degrees 51 minutes 54 seconds West, a distance
3 of 98.39 feet to an angle point;

4 10. North 20 degrees 04 minutes 20 seconds West, a distance
5 of 98.32 feet to an angle point;

6 11. North 17 degrees 22 minutes 53 seconds West, a distance
7 of 98.19 feet to an angle point;

8 12. North 15 degrees 04 minutes 56 seconds West, a distance
9 of 98.69 feet to an angle point;

10 13. North 13 degrees 43 minutes 23 seconds West, a distance
11 of 98.15 feet to an angle point;

12 14. North 12 degrees 56 minutes 31 seconds West, a distance
13 of 54.81 feet to an angle point;

14 15. North 12 degrees 46 minutes 28 seconds West, a distance
15 of 880.82 feet to the intersection with the south R.O.W. of SH 249
16 described as Parcel 340 in Third Amended Notice Of Lis Pendens
17 recorded under G.C.C.F. 2019-301340;

18 THENCE, along the line common to said south R.O.W. of SH 249
19 (Parcel 340), said portion of the remainder of a 127.86 acre tract,
20 said portion of the remainder of a 111.64 acre tract, said portion
21 of the remainder of a 99.58 acre tract, said portion of the
22 remainder of a 98.65 acre tract, said remainder of a 200 acre tract,
23 and said 27.26 acre tract, the following fourteen (14) courses:

24 1. North 88 degrees 55 minutes 06 seconds East, a distance
25 of 922.68 feet to the beginning of a curve to the right;

26 2. 450.81 feet along the arc of said curve to the left having
27 a radius of 3835.00 feet, a central angle of 06 degrees 44 minutes

1 07 seconds and a chord that bears South 71 degrees 53 minutes 23
2 seconds East, a distance of 450.55 feet to an angle point;

3 3. South 68 degrees 31 minutes 20 seconds East, a distance
4 of 574.68 feet to the beginning of a curve to the left;

5 4. 104.17 feet along the arc of said curve to the left having
6 a radius of 4725.00 feet, a central angle of 01 degrees 15 minutes
7 48 seconds and a chord that bears South 69 degrees 09 minutes 14
8 seconds East, a distance of 104.17 feet to an angle point;

9 5. South 00 degrees 44 minutes 04 seconds West, a distance
10 of 27.32 feet to the beginning of a curve to the left;

11 6. 579.05 feet along the arc of said curve to the left having
12 a radius of 4750.77 feet, a central angle of 06 degrees 59 minutes
13 01 seconds and a chord that bears South 73 degrees 23 minutes 13
14 seconds East, a distance of 578.69 feet to an angle point;

15 7. North 72 degrees 12 minutes 09 seconds East, a distance
16 of 50.54 feet to the beginning of a curve to the left;

17 8. 540.05 feet along the arc of said curve to the left having
18 a radius of 4725.00 feet, a central angle of 06 degrees 32 minutes
19 55 seconds and a chord that bears South 80 degrees 40 minutes 44
20 seconds East, a distance of 539.76 feet to an angle point;

21 9. South 83 degrees 57 minutes 11 seconds East, a distance
22 of 1586.77 feet to an angle point;

23 10. South 61 degrees 15 minutes 03 seconds East, a distance
24 of 64.78 feet to an angle point;

25 11. South 83 degrees 57 minutes 11 seconds East, a distance
26 of 1245.89 feet to an angle point;

27 12. South 45 degrees 34 minutes 53 seconds East, a distance

1 of 76.09 feet to an angle point;

2 13. South 07 degrees 16 minutes 02 seconds East, a distance
3 of 410.48 feet to the north line of said 27.26 acre tract;

4 14. North 82 degrees 43 minutes 58 seconds East, a distance
5 of 10.00 feet to the northeast corner of said 27.26 acre tract,
6 being on said west R.O.W. of FM 1774;

7 THENCE, along the line common to said 27.26 acre tract, and
8 said west R.O.W. of FM 1774, South 07 degrees 44 minutes 19 seconds
9 East, a distance of 1299.80 feet to the POINT OF BEGINNING and
10 containing 557.61 acres of land.

11 Save and Except the following 18.97 acre tract of land:

12 Being a tract of land containing 18.97 acres (826,327 square
13 feet), located in the E.T. Estis Survey, A-194 in Grimes County,
14 Texas; Said 18.97 acre tract being all of an 11.225 acre tract
15 recorded in the name of Joseph Blake Maywald, Jr., under Grimes
16 County Deed Record (G.C.D.R.) Vol. 968, Pg. 415, and all of a 7.752
17 acre tract recorded in the name of Patricia Maywald Bradbury, under
18 G.C.D.R. Vol. 968, Pg. 423; said 18.97 acre tract being more
19 particularly described by metes and bounds as follows; bearings
20 based on the Texas Coordinate system of 1983, Central Zone, per
21 TxDOT Right-Of-Way (R.O.W.) Plans for SH 249.):

22 COMMENCING at the southeast corner of a called 27.26 acre
23 tract, recorded in the name of Marilyn Joyce Fuchs Knighten, under
24 Grimes County Clerk's File (G.C.C.F.) No. 2022-326157, the
25 northeast corner of a called 99.95 acre Tract 1 recorded, in the
26 name of Robert E. Fuchs, under G.C.D.R. Vol. 1539, Pg. 785, said
27 point being on the west R.O.W. of FM 1774 (100' wide per TxDOT

1 R.O.W. Plans for Project C-1400-2-1 dated May 1954);

2 THENCE, along the line common to said 27.26 acre tract, and
3 said 99.95 acre Tract 1, South 84 degrees 08 minutes 27 seconds
4 West, a distance of 917.54 feet to the most southerly southeast
5 corner of a called 200 acre tract, recorded in the name of Marilyn
6 Joyce Fuchs Knighten, under G.C.D.R. Vol. 654, Pg. 471;

7 THENCE, through and across said 99.95 acre Tract 1, South 06
8 degrees 17 minutes 47 seconds East, a distance of 207.49 feet to the
9 northeast corner of said 7.752 acre tract, and the POINT OF
10 BEGINNING;

11 THENCE, along the line common to said 7.752 acre tract, said
12 11.225 acre tract, and said 99.95 acre Tract 1, the following four
13 (4) courses:

14 1. South 06 degrees 17 minutes 47 seconds East, a distance
15 of 633.09 feet to the southeast corner of said 7.752 acre tract, and
16 an angle point;

17 2. South 86 degrees 27 minutes 13 seconds West, a distance
18 of 1320.97 feet to the southwest corner of said 11.225 acre tract,
19 and an angle point;

20 3. North 03 degrees 30 minutes 34 seconds West, a distance
21 of 633.49 feet to the northwest corner of said 11.225 acre tract,
22 and an angle point;

23 4. North 86 degrees 30 minutes 13 seconds East, a distance
24 of 1290.19 feet, to the POINT OF BEGINNING and containing 18.97
25 acres of land.

26 TRACT 2: 313.79 acres

27 Being a tract of land containing 313.79 acres (13,668,645

1 square feet), located in the Blake Brantley Survey, A-104, the Gwyn
2 Morrison Survey, A-357, the Edley Montgomery Survey, A-355, in
3 Grimes County, Texas; Said 313.79 acre tract being out of portion of
4 the remainder of a called 127.86 acre tract, recorded in the name of
5 SH 249 Development IV, LLC, under Grimes County Deed Record
6 (G.C.D.R.) Vol. 1727, Pg. 349, and a portion of the remainder of a
7 called 111.64 acre tract, recorded in the name of SH 249 Development
8 III, LLC, under G.C.D.R. Vol. 1727, Pg. 331, and a portion of the
9 remainder of a called 99.58 acre tract, recorded in the name of SH
10 249 Development II, LLC, under G.C.D.R. Vol. 1727, Pg. 337, and a
11 portion of the remainder of a called 98.65 acre tract, recorded in
12 the name of SH 249 Development I, LLC, under G.C.D.R. Vol. 1727, Pg.
13 343, the remainder of a called 15.54 acre tract, recorded in the
14 name of Marilyn J. Knighten, Et. Al., under Grimes County Clerk's
15 File (G.C.C.F.) No. 2022-326155, a called 13.82 acre tract being a
16 portion of the remainder of a called 1196.3 acre tract recorded in
17 the name of Marilyn Joyce Fuchs Knighten, under G.C.D.R. Vol. 227,
18 Pg. 177, and a portion of a Save & Except Tract recorded in G.C.D.R.
19 Vol. 654, Pg. 471, and a called 14.33 acre tract recorded in the
20 name of Marilyn J. Knighten, Et. Al., under G.C.C.F.
21 No. 2022-326156; said 313.79 acre tract being more particularly
22 described by metes and bounds as follows (bearings based on the
23 Texas Coordinate system of 1983, Central Zone, per TxDOT
24 Right-Of-Way (R.O.W.) Plans for SH 249.):

25 BEGINNING at the northeast corner of said 98.65 acre tract,
26 and the northwest corner of a called 118.18 acre tract, recorded in
27 the name of Abdul Aziz Al-Herqan, under G.C.D.R. Vol. 468, Pg. 358;

1 THENCE, with the line common to said 98.65 acre tract, said
2 118.18 acre tract, said 15.54 acre tract, said 13.82 acre tract,
3 said remainder of a called 1196.3 acre tract, and said 14.33 acre
4 tract, the following five (5) courses:

5 1. South 04 degrees 13 minutes 17 seconds East, a distance
6 of 2894.79 feet to the southwest corner of said 118.18 acre tract,
7 and the northwest corner of said 15.54 acre tract, and an angle
8 point;

9 2. North 87 degrees 26 minutes 05 seconds East, a distance
10 of 1654.01 feet to an angle point;

11 3. South 86 degrees 27 minutes 55 seconds East, a distance
12 of 135.00 feet to an angle point;

13 4. South 68 degrees 12 minutes 55 seconds East, a distance
14 of 100.50 feet to an angle point;

15 5. South 58 degrees 45 minutes 55 seconds East, a distance
16 of 307.70 feet to the west Right-Of-Way (R.O.W.) of FM 1774 (100'
17 wide per TxDOT R.O.W. Plans for Project C-1400-2-1 dated May 1954),
18 and an angle point;

19 THENCE, along the line common to said 14.33 acre tract, and
20 said west R.O.W. of FM 1774, the following two (2) courses:

21 1. South 00 degrees 09 minutes 55 seconds East, a distance
22 of 256.75 feet to an angle point;

23 2. South 01 degrees 34 minutes 37 seconds East, a distance
24 of 78.24 feet to the southeast corner of said 14.33 acre tract, and
25 the beginning of a No Access line for SH 249 described as Parcel 300
26 (Part 1) in an Agreed Final Judgement recorded under G.C.C.F.
27 2021-318166, and an angle point;

1 THENCE, along the line common to said 14.33 acre tract, said
2 remainder of a called 1196.3 acre tract, a portion of said remainder
3 of a called 15.54 acre tract, said portion of the remainder of a
4 98.65 acre tract, and said No Access line for SH 249, and a portion
5 of the No Access line for SH 249 described as Parcel 340 in Third
6 Amended Notice Of Lis Pendens recorded under G.C.C.F. 2019-301340,
7 the following four (4) courses:

8 1. North 86 degrees 58 minutes 40 seconds West, a distance
9 of 10.00 feet to the northeast corner of said remainder of a called
10 1196.3 acre tract, being the beginning of a non-tangent curve to the
11 left;

12 2. 353.73 feet along the arc of said curve to the left having
13 a radius of 1969.84 feet, a central angle of 10 degrees 17 minutes
14 20 seconds and a chord that bears South 02 degrees 07 minutes 12
15 seconds East, a distance of 353.26 feet to an angle point;

16 3. South 07 degrees 16 minutes 02 seconds East, a distance
17 of 39.97 feet to an angle point;

18 4. South 44 degrees 25 minutes 07 seconds West, a distance
19 of 59.60 feet to the north R.O.W. of SH 249, as described in said
20 Parcel 340, and as described in said Parcel 300 (Part 2), and an
21 angle point;

22 THENCE, along the line common to said north R.O.W. of SH 249,
23 as described in said Parcel 340 and as described in said Parcel 300
24 (Part 2), said portion of the remainder of a 127.86 acre tract, said
25 portion of the remainder of a 111.64 acre tract, said portion of the
26 remainder of a 99.58 acre tract, said portion of the remainder of a
27 98.65 acre tract, said portion a remainder of a 15.54 acre tract,

1 and said remainder of a called 1196.3 acre tract, the following
2 eight (8) courses:

3 1. North 83 degrees 53 minutes 11 seconds West, a distance
4 of 1709.42 feet to an angle point;

5 2. South 69 degrees 41 minutes 06 seconds West, a distance
6 of 60.78 feet to an angle point;

7 3. North 83 degrees 57 minutes 11 seconds West, a distance
8 of 1034.30 feet to the beginning of a curve to the right;

9 4. 1178.28 feet along the arc of said curve to the left
10 having a radius of 4375.00 feet, a central angle of 15 degrees 25
11 minutes 51 seconds and a chord that bears North 76 degrees 14
12 minutes 16 seconds West, a distance of 1174.72 feet to an angle
13 point;

14 5. North 68 degrees 31 minutes 20 seconds West, a distance
15 of 574.68 feet to the beginning of a curve to the left;

16 6. 853.80 feet along the arc of said curve to the left having
17 a radius of 4185.00 feet, a central angle of 11 degrees 41 minutes
18 21 seconds and a chord that bears North 74 degrees 22 minutes 00
19 seconds West, a distance of 852.32 feet to an angle point;

20 7. North 74 degrees 05 minutes 25 seconds West, a distance
21 of 322.83 feet to an angle point;

22 8. North 80 degrees 03 minutes 54 seconds West, a distance
23 of 492.47 feet to the intersection with the easterly line of a 125'
24 wide Union Pacific Railroad (U.P.RR.) R.O.W., and an angle point;

25 THENCE, along the line common to said U.P.RR. R.O.W., and
26 said portion of the remainder of a 127.86 acre tract, the following
27 eleven (11) courses:

- 1 1. North 12 degrees 46 minutes 28 seconds West, a distance
2 of 1305.09 feet to an angle point;
- 3 2. North 12 degrees 54 minutes 02 seconds West, a distance
4 of 57.58 feet to an angle point;
- 5 3. North 13 degrees 26 minutes 26 seconds West, a distance
6 of 97.28 feet to an angle point;
- 7 4. North 14 degrees 23 minutes 45 seconds West, a distance
8 of 96.86 feet to an angle point;
- 9 5. North 15 degrees 50 minutes 20 seconds West, a distance
10 of 98.90 feet to an angle point;
- 11 6. North 17 degrees 33 minutes 16 seconds West, a distance
12 of 96.98 feet to an angle point;
- 13 7. North 19 degrees 38 minutes 05 seconds West, a distance
14 of 94.13 feet to an angle point;
- 15 8. North 22 degrees 01 minutes 54 seconds West, a distance
16 of 101.63 feet to an angle point;
- 17 9. North 25 degrees 10 minutes 43 seconds West, a distance
18 of 101.28 feet to an angle point;
- 19 10. North 28 degrees 18 minutes 56 seconds West, a distance
20 of 87.11 feet to an angle point;
- 21 11. North 29 degrees 44 minutes 22 seconds West, a distance
22 of 58.52 feet to the northeast corner of said 127.86 acre tract,
23 being the southwest corner of a called 61.00 acre tract recorded in
24 the name of Thomas Sanford, under G.C.D.R. Vol. 1445, Pg. 554, and
25 an angle point:

26 THENCE, along the line common to said portion of the
27 remainder of a 127.86 acre tract, said portion of the remainder of a

1 111.64 acre tract, said portion of the remainder of a 99.58 acre
2 tract, said portion of the remainder of a 98.65 acre tract, said
3 61.00 acre tract, and a called 85.52 acre tract recorded in the name
4 of Paul H. Miller and Jennifer H. Miller, under G.C.D.R. Vol. 1385,
5 Pg. 770, the following two (2) courses:

6 1. North 83 degrees 00 minutes 50 seconds East, a distance
7 of 4056.21 feet to an angle point;

8 2. North 85 degrees 31 minutes 22 seconds East, a distance
9 of 313.85 feet to the POINT OF BEGINNING and containing 313.79 acres
10 of land.

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

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

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

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

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 7878A, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 7878A.0307 to read as
6 follows:

7 Sec. 7878A.0307. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

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

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