

1-1 By: Zerwas (Senate Sponsor - Kolthorst) H.B. No. 1068
1-2 (In the Senate - Received from the House April 27, 2015;
1-3 April 27, 2015, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 11, 2015, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 11, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Fort Bend County Municipal Utility
1-18 District No. 216; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 8424 to read as follows:

1-24 CHAPTER 8424. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 216

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8424.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Fort Bend County Municipal
1-32 Utility District No. 216.

1-33 Sec. 8424.002. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 8424.003. CONFIRMATION AND DIRECTORS' ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8424.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 8424.003
1-42 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 8424.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-47 The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8424.006. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act enacting this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8424.051. GOVERNING BODY; TERMS. (a) The district is
 2-9 governed by a board of five elected directors.
 2-10 (b) Except as provided by Section 8424.052, directors serve
 2-11 staggered four-year terms.

2-12 Sec. 8424.052. TEMPORARY DIRECTORS. (a) The temporary
 2-13 board consists of:

- 2-14 (1) Elizabeth D. Barnett;
- 2-15 (2) Phillip S. Froehlich;
- 2-16 (3) Jeff Holstein;
- 2-17 (4) Teresa Kelly; and
- 2-18 (5) Harry Peyton.

2-19 (b) Temporary directors serve until the earlier of:
 2-20 (1) the date permanent directors are elected under
 2-21 Section 8424.003; or
 2-22 (2) the fourth anniversary of the effective date of
 2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under
 2-25 Section 8424.003 and the terms of the temporary directors have
 2-26 expired, successor temporary directors shall be appointed or
 2-27 reappointed as provided by Subsection (d) to serve terms that
 2-28 expire on the earlier of:

- 2-29 (1) the date permanent directors are elected under
 2-30 Section 8424.003; or
- 2-31 (2) the fourth anniversary of the date of the
 2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a
 2-34 majority of the assessed value of the real property in the district
 2-35 may submit a petition to the commission requesting that the
 2-36 commission appoint as successor temporary directors the five
 2-37 persons named in the petition. The commission shall appoint as
 2-38 successor temporary directors the five persons named in the
 2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8424.101. GENERAL POWERS AND DUTIES. The district has
 2-42 the powers and duties necessary to accomplish the purposes for
 2-43 which the district is created.

2-44 Sec. 8424.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-45 DUTIES. The district has the powers and duties provided by the
 2-46 general law of this state, including Chapters 49 and 54, Water Code,
 2-47 applicable to municipal utility districts created under Section 59,
 2-48 Article XVI, Texas Constitution.

2-49 Sec. 8424.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-50 52, Article III, Texas Constitution, the district may design,
 2-51 acquire, construct, finance, issue bonds for, improve, operate,
 2-52 maintain, and convey to this state, a county, or a municipality for
 2-53 operation and maintenance macadamized, graveled, or paved roads, or
 2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8424.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
 2-56 project must meet all applicable construction standards, zoning and
 2-57 subdivision requirements, and regulations of each municipality in
 2-58 whose corporate limits or extraterritorial jurisdiction the road
 2-59 project is located.

2-60 (b) If a road project is not located in the corporate limits
 2-61 or extraterritorial jurisdiction of a municipality, the road
 2-62 project must meet all applicable construction standards,
 2-63 subdivision requirements, and regulations of each county in which
 2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the
 2-66 Texas Transportation Commission must approve the plans and
 2-67 specifications of the road project.

2-68 Sec. 8424.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the
3-3 creation of the district or to the inclusion of land in the
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 8424.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-7 district may issue, without an election, bonds and other
3-8 obligations secured by:

3-9 (1) revenue other than ad valorem taxes; or
3-10 (2) contract payments described by Section 8424.153.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 8424.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 8424.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 8424.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 8424.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 8424.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 8424.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Fort Bend County Municipal Utility District
3-53 No. 216 initially includes all the territory contained in the
3-54 following area:

3-55 Being 503.983 acres of land located in the John Randon
3-56 League, Abstract Number 76, Fort Bend County, Texas, being all of
3-57 that certain called 411.052 acre tract conveyed to Fulshear Lakes,
3-58 Ltd. by instrument of record under File Number 2014007854 of the
3-59 Official Public Records of Real Property of said Fort Bend County
3-60 (F.B.C.O.P.R.R.P.), being all of that certain called 70.1425 acre
3-61 tract, designated Tract I, conveyed to Fulshear Lakes, Ltd., by an
3-62 instrument of record under File Number 2014007853,
3-63 F.B.C.O.P.R.R.P., same being all of Rustic Oaks Subdivision, a plat
3-64 of record under Volume 14, Page 13 of the Plat Records of said Fort
3-65 Bend County (F.B.C.P.R.), (Slide Number 185B, F.B.C.P.R.), being
3-66 all of that certain called 14.313 acre tract, designated Tract II,
3-67 conveyed to Fulshear Lakes, Ltd., by an instrument of record under
3-68 File Number 2014007853, F.B.C.O.P.R.R.P., being all of that certain
3-69 called 5.32 acre tract, designated Lot 1 of the Cornelius Randon

4-1 Estate as recorded in Volume 179, Page 128-A of the Deed Records of
 4-2 said Fort Bend County (F.B.C.D.R.), being the same land, designated
 4-3 Tract III, as conveyed to Fulshear Lakes, Ltd., by an instrument of
 4-4 record under File Number 2014007853, F.B.C.O.P.R.R.P., and being
 4-5 all of that certain called 4.000 acre tract, conveyed to Fulshear
 4-6 Lakes, Ltd. by instrument of record under File Number 2014007852,
 4-7 F.B.C.O.P.R.R.P.; said 503.983 acres being more particularly
 4-8 described by metes and bounds as follows (all bearings referenced
 4-9 to Texas Coordinate System, South Central Zone, Grid North, NAD83
 4-10 (NA2011) Epoch 2010.00;

4-11 BEGINNING at the common north corner of said 411.052 acre
 4-12 tract and that certain called 58.96 acre tract conveyed to Nigel
 4-13 Stewart Patterson, et ux by an instrument of record under File
 4-14 Number 2009110810, F.B.C.O.P.R.R.P., being on the line common to
 4-15 the north line of said John Randon League and the south line of the
 4-16 I. H. Charles League, Abstract Number 17 of said Fort Bend County,
 4-17 and being within existing Rogers Road (width varies), from which a
 4-18 found 5/8-inch iron rod (bent) bears North 09° 56' 38" West, 0.52
 4-19 feet and also from which the common easterly corner of said John
 4-20 Randon League and the George Roberts League, Abstract Number 432 of
 4-21 said Fort Bend County bears North 87° 41' 03" East, 3,932.37 feet;

4-22 Thence, with the easterly line of said 411.052 acre tract,
 4-23 the following five (5) courses:

4-24 1. South 02° 02' 39" East, with the westerly line of
 4-25 said 58.96 acre tract, passing at 30.69 feet (called 31.0 feet) a
 4-26 found 1/2-inch iron pipe, and continuing for a total distance of
 4-27 1,104.86 feet (called 1,105.0 feet) to a 1/2-inch iron pipe found
 4-28 for corner;

4-29 2. South 02° 21' 32" East, continuing with the westerly
 4-30 line of said 58.96 acre tract, 1,232.04 feet (called 1,232.08 feet)
 4-31 to a 3/4-inch iron pipe found for corner;

4-32 3. South 01° 43' 27" East, continuing with the westerly
 4-33 line of said 58.96 acre tract, 1,133.03 feet (called 1,132.98 feet)
 4-34 to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" previously
 4-35 set for the southwest corner of said 58.96 acre tract;

4-36 4. North 87° 47' 51" East, with the southerly line of
 4-37 said 58.96 acre tract, passing at 296.51 feet a found 1" iron pipe,
 4-38 and continuing for a total distance of 1,004.52 feet (called
 4-39 1,004.50 feet) to a 1/2-inch iron pipe found on the westerly line of
 4-40 that certain called 241.258 acre tract conveyed to Rogers Road
 4-41 Investors, LP by an instrument of record under File Number
 4-42 2009066602, F.B.C.O.P.R.R.P.;

4-43 5. South 02° 18' 57" East, with the westerly line of
 4-44 said 241.258 acre tract, passing at 2,894.68 feet the approximate
 4-45 centerline of Fulshear Creek, same being the common westerly corner
 4-46 of said 241.258 acre tract and that certain called 58.139 acre tract
 4-47 conveyed to K. R. Arnold, et ux, by an instrument of record under
 4-48 File Number 1999008859, F.B.C.O.P.R.R.P., and continuing with the
 4-49 westerly line of said 58.139 acre tract, for a total distance of
 4-50 4,646.53 feet (called 4,646.9 feet) to a 5/8-inch iron rod with
 4-51 plastic cap stamped "LJA ENG" previously set for the southeast
 4-52 corner of said 411.052 acre tract, being on the northerly line of
 4-53 that certain called 100-foot wide tract conveyed to Metropolitan
 4-54 Transit Authority of Harris County by an instrument of record under
 4-55 Volume 2478, Page 1664, F.B.C.D.R.;

4-56 Thence, South 81° 25' 02" West, with the line common to the
 4-57 south line of said 411.052 acre tract and the north line of said
 4-58 100-foot wide tract, passing at 1,532.69 feet (called 1,532.63
 4-59 feet) a 1/2-inch iron pipe found for the common south corner of said
 4-60 411.052 acre tract and aforementioned Rustic Oaks Subdivision, and
 4-61 continuing along the line common to the south line of said Rustic
 4-62 Oaks Subdivision and the north line of said 100-foot wide tract,
 4-63 continuing for a total distance of 3,010.59 feet to a 1/4-iron pipe
 4-64 found for the southwest corner of said Rustic Oaks Subdivision and
 4-65 aforementioned 70.1425 acre tract, same being the southeast corner
 4-66 of that certain called 5.32 acre tract, designated Lot 8 of
 4-67 aforementioned Cornelius Randon Estate, and as conveyed to Walter
 4-68 Kelly, et al, by an instrument of record under File Number
 4-69 2012140197, F.B.C.O.P.R.R.P.;

5-1 Thence, North 02° 37' 49" East, with the common line of said
5-2 Rustic Oaks Subdivision, said 70.1425 acre tract and said Lot 8,
5-3 362.39 feet to a 5/8-inch iron rod with plastic cap stamped "LJA
5-4 ENG" previously set for the common east corner of said Lot 8 and
5-5 aforementioned Lot 1 conveyed to Fulshear Lakes, Ltd.;

5-6 Thence, South 87° 17' 09" West, with the common line to said
5-7 Lot's 1 and 8, 434.10 feet to a 5/8-inch iron rod with plastic cap
5-8 stamped "LJA ENG" previously set for the southwest corner of said
5-9 5.32 acre tract conveyed to Fulshear Lakes, Ltd.;

5-10 Thence, North 02° 13' 49" West, along the west line of said
5-11 5.32 acre tract conveyed to Fulshear Lakes, Ltd., 444.84 feet to a
5-12 1/2-inch iron pipe found for the northwest corner of said 5.32 acre
5-13 tract, also being on a south line of the aforementioned 14.313 acre
5-14 tract;

5-15 Thence, South 87° 15' 05" West, with said south line, 522.20
5-16 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG"
5-17 previously set for corner;

5-18 Thence, South 02° 11' 04" East, continuing along a south line
5-19 of said 14.313 acre tract, 442.70 feet to a 1-inch iron pipe found
5-20 for corner;

5-21 Thence, South 87° 05' 11" West, continuing along a south line
5-22 of said 14.313 acre tract, 507.27 feet to a 5/8-inch iron rod with
5-23 plastic cap stamped "LJA ENG" previously set for corner;

5-24 Thence, North 02° 29' 17" West, continuing along a south line
5-25 of said 14.313 acre tract, 445.89 feet to point for corner, from
5-26 which a found 5/8-inch iron rod with cap stamped "RPLS No. 2085"
5-27 bears South 76° 14' 39" East, 0.23 feet;

5-28 Thence, South 87° 26' 47" West, continuing along a south line
5-29 of said 14.313 acre tract, passing at 486.91 feet a found 5/8-inch
5-30 iron rod with cap stamped "RPLS No. 2085" and continuing for a total
5-31 distance of 512.83 feet to a PK-Nail found for corner within
5-32 existing Pool Hill Road (width unknown);

5-33 Thence, North 02° 33' 10" West, with the most westerly line of
5-34 said 14.313 acre tract and within said existing Pool Hill Road,
5-35 196.30 feet to a PK-Nail found for the common west corner of said
5-36 14.313 acre tract and that certain called 5.155 acre tract conveyed
5-37 to Royal Parrot Farm, LLC by an instrument of record under File
5-38 Number 2010000252, F.B.C.O.P.R.R.P.;

5-39 Thence, North 87° 25' 18" East, with the common line to said
5-40 14.313 acre tract and said 5.155 acre tract, passing at 22.96 feet a
5-41 found 5/8-inch iron rod with cap stamped "RPLS No. 2085", and
5-42 continuing for a total distance of 1,143.40 feet to the common south
5-43 corner of aforementioned 4.000 acre tract conveyed to Fulshear
5-44 Lakes, Ltd. and said 5.155 acre tract, from which a found 1/2-inch
5-45 iron rod with cap (illegible) bears North 15° 28' 18" West, 0.92
5-46 feet;

5-47 Thence, North 02° 34' 42" West, departing the north line of
5-48 said 14.313 acre tract and along the line common to said 4.000 acre
5-49 tract and said 5.155 acre tract, 196.40 feet to the common north
5-50 corner said 4.000 acre tract and said 5.155 acre tract and also
5-51 being on the south line of that certain called 9.15 acre tract
5-52 conveyed to Eula Mac Taplin, et al., by an instrument of record
5-53 under Volume 2259, Page 1936, F.B.C.D.R., from which a found
5-54 1/2-inch iron rod with cap stamped "Precision Surveying" bears
5-55 South 46° 34' 34" West, 0.26 feet;

5-56 Thence North, 87°25'18" East, along the line common to said
5-57 4.000 acre tract and said called 9.15 acre tract, 887.17 feet, to
5-58 5/8-inch iron rod with plastic cap stamped "LJA ENG" previously set
5-59 for corner on the westerly line of aforementioned 70.1425 acre
5-60 tract and Rustic Oaks Subdivision, from which a 1-inch pipe with
5-61 "Cotton Surveying" cap bears South 18°04'42" East, 3.68 feet;

5-62 Thence North 03°16'16" East, with the line common to said 9.15
5-63 acre tract and said 70.1425 acre tract and Rustic Oaks Subdivision,
5-64 197.17 feet to a 1-inch iron pipe in concrete found for the common
5-65 east corner of said 9.15 acre tract and that certain called 18.87
5-66 acre tract, designated Tract I, conveyed to Robert Fendley, by
5-67 instrument of record under Volume 1415, Page 037, F.B.C.D.R.;

5-68 Thence, North 01°17'54" West, with the westerly line of said
5-69 70.1425 acre tract and Rustic Oaks Subdivision, 565.92 feet to a

6-1 1-inch iron pipe found for corner;

6-2 Thence, North 00° 49' 19" West, continuing along the westerly
6-3 line of said 70.1425 acre tract and said Rustic Oaks Subdivision,
6-4 196.67 feet to a point for corner on the approximate centerline of
6-5 Fulshear Creek and being the line common to the north line of said
6-6 Rustic Oaks Subdivision, said 70.1425 acre tract and a south line of
6-7 the aforementioned 411.052 acre tract;

6-8 Thence, along the south line of said 411.052 acre tract and
6-9 along the meanders of said Fulshear Creek, the following five (5)
6-10 courses:

6-11 1. South 85° 09' 23" West, 488.60 feet to a point for
6-12 corner;
6-13 2. North 74° 47' 41" West, 354.56 feet to a point for
6-14 corner;
6-15 3. North 18° 11' 05" West, 260.16 feet to a point for
6-16 corner;
6-17 4. North 09° 17' 09" East, 391.53 feet to a point for
6-18 corner;
6-19 5. North 00° 34' 16" West, 47.82 feet (called 48.67
6-20 feet) to a point for corner on the south line of that certain called
6-21 71.56 acre tract conveyed to Lavetta Lazzara by an instrument of
6-22 record under Volume 2320, Page 1231, F.B.C.D.R., and an undivided
6-23 fifty (50) percent interest conveyed to Lavetta Lazzara, Trustee by
6-24 an instrument of record under Volume 2479, Page 591, F.B.C.D.R.;

6-25 Thence, North 87° 05' 26" East, with the common line of said
6-26 411.052 acre tract and said 71.56 acre tract, passing at 76.49 feet
6-27 a found 1/2-inch iron pipe and continuing for a total distance of 817.56
6-28 feet (called 816.0 feet) to a 1/2-inch iron pipe found for corner;

6-29 Thence, North 01° 49' 07" West, with the line common to said
6-30 411.052 acre tract and said 71.56 acre tract, 2,373.01 feet (called
6-31 2,373.19 feet) to a PK-Nail in asphalt previously set for the
6-32 northeast corner of said 71.56 acre tract;

6-33 Thence, North 01° 47' 54" West, with the westerly line of said
6-34 411.052 acre tract, 2,073.64 feet (called 2,074.08 feet) to a gun
6-35 barrel found for the common easterly corner of that certain called
6-36 5.432 acre tract conveyed to Emma Jean Smith by an instrument of
6-37 record under Volume 2707, Page 2128, F.B.C.D.R. and that certain
6-38 called 46.33 acre tract conveyed to Frances Peckham Kelly, et al.,
6-39 by an instrument of record under volume 433, Page 87, F.B.C.D.R. and
6-40 under Probate Record Number 08-CPR-020916 of the Probate Records of
6-41 said Fort Bend County;

6-42 Thence, North 01° 20' 51" West, with the westerly line of said
6-43 411.052 acre tract, 1,070.10 feet (called 1,069.68 feet) to point
6-44 for corner on the northerly line of the aforementioned John Randon
6-45 League and the southerly line of the J. San Pierre Survey, Abstract
6-46 Number 81, of said Fort Bend County and the northwest corner of said
6-47 411.052 acre tract, and being within the aforementioned Rogers
6-48 Road, from which a found 5/8-inch iron rod (bent) bears South 77° 51'
6-49 34" East, 0.29 feet;

6-50 Thence, North 87° 41' 03" East, with the northerly line of
6-51 said 411.52 acre tract, said John Randon League, and the southerly
6-52 line of said J. San Pierre Survey and the aforementioned I. H.
6-53 Charles League, 1,829.92 feet to the POINT OF BEGINNING and
6-54 containing 503.983 acres of land and of which 1.320 acres (57,529
6-55 square feet) of land lies within the existing roadway area of said
6-56 Rogers Road.

6-57 SECTION 3. (a) The legal notice of the intention to
6-58 introduce this Act, setting forth the general substance of this
6-59 Act, has been published as provided by law, and the notice and a
6-60 copy of this Act have been furnished to all persons, agencies,
6-61 officials, or entities to which they are required to be furnished
6-62 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-63 Government Code.

6-64 (b) The governor, one of the required recipients, has
6-65 submitted the notice and Act to the Texas Commission on
6-66 Environmental Quality.

6-67 (c) The Texas Commission on Environmental Quality has filed
6-68 its recommendations relating to this Act with the governor, the
6-69 lieutenant governor, and the speaker of the house of

7-1 representatives within the required time.

7-2 (d) All requirements of the constitution and laws of this
7-3 state and the rules and procedures of the legislature with respect
7-4 to the notice, introduction, and passage of this Act are fulfilled
7-5 and accomplished.

7-6 SECTION 4. (a) If this Act does not receive a two-thirds
7-7 vote of all the members elected to each house, Subchapter C, Chapter
7-8 8424, Special District Local Laws Code, as added by Section 1 of
7-9 this Act, is amended by adding Section 8424.106 to read as follows:

7-10 Sec. 8424.106. NO EMINENT DOMAIN POWER. The district may
7-11 not exercise the power of eminent domain.

7-12 (b) This section is not intended to be an expression of a
7-13 legislative interpretation of the requirements of Section 17(c),
7-14 Article I, Texas Constitution.

7-15 SECTION 5. This Act takes effect immediately if it receives
7-16 a vote of two-thirds of all the members elected to each house, as
7-17 provided by Section 39, Article III, Texas Constitution. If this
7-18 Act does not receive the vote necessary for immediate effect, this
7-19 Act takes effect September 1, 2015.

7-20

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