

1-1 By: Zerwas (Senate Sponsor - Kolchhorst) H.B. No. 4126  
1-2 (In the Senate - Received from the House May 4, 2015;  
1-3 May 4, 2015, read first time and referred to Committee on  
1-4 Administration; May 7, 2015, reported favorably by the following  
1-5 vote: Yeas 6, Nays 0; May 7, 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. 218; 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 7927 to read as follows:

1-24 CHAPTER 7927. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 218

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7927.001. 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. 218.

1-33 Sec. 7927.002. 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. 7927.003. 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. 7927.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-41 temporary directors may not hold an election under Section 7927.003  
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. 7927.005. 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. 7927.006. 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.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7927.051. 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 7927.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7927.052. TEMPORARY DIRECTORS. (a) On or after

2-13 September 1, 2015, the owner or owners of a majority of the assessed

2-14 value of the real property in the district may submit a petition to

2-15 the commission requesting that the commission appoint as temporary

2-16 directors the five persons named in the petition. The commission

2-17 shall appoint as temporary directors the five persons named in the

2-18 petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 7927.003; or

2-22 (2) September 1, 2019.

2-23 (c) If permanent directors have not been elected under

2-24 Section 7927.003 and the terms of the temporary directors have

2-25 expired, successor temporary directors shall be appointed or

2-26 reappointed as provided by Subsection (d) to serve terms that

2-27 expire on the earlier of:

2-28 (1) the date permanent directors are elected under

2-29 Section 7927.003; or

2-30 (2) the fourth anniversary of the date of the

2-31 appointment or reappointment.

2-32 (d) If Subsection (c) applies, the owner or owners of a

2-33 majority of the assessed value of the real property in the district

2-34 may submit a petition to the commission requesting that the

2-35 commission appoint as successor temporary directors the five

2-36 persons named in the petition. The commission shall appoint as

2-37 successor temporary directors the five persons named in the

2-38 petition.

2-39 SUBCHAPTER C. POWERS AND DUTIES

2-40 Sec. 7927.101. GENERAL POWERS AND DUTIES. The district has

2-41 the powers and duties necessary to accomplish the purposes for

2-42 which the district is created.

2-43 Sec. 7927.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-44 DUTIES. The district has the powers and duties provided by the

2-45 general law of this state, including Chapters 49 and 54, Water Code,

2-46 applicable to municipal utility districts created under Section 59,

2-47 Article XVI, Texas Constitution.

2-48 Sec. 7927.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-49 52, Article III, Texas Constitution, the district may design,

2-50 acquire, construct, finance, issue bonds for, improve, operate,

2-51 maintain, and convey to this state, a county, or a municipality for

2-52 operation and maintenance macadamized, graveled, or paved roads, or

2-53 improvements, including storm drainage, in aid of those roads.

2-54 Sec. 7927.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

2-55 project must meet all applicable construction standards, zoning and

2-56 subdivision requirements, and regulations of each municipality in

2-57 whose corporate limits or extraterritorial jurisdiction the road

2-58 project is located.

2-59 (b) If a road project is not located in the corporate limits

2-60 or extraterritorial jurisdiction of a municipality, the road

2-61 project must meet all applicable construction standards,

2-62 subdivision requirements, and regulations of each county in which

2-63 the road project is located.

2-64 (c) If the state will maintain and operate the road, the

2-65 Texas Transportation Commission must approve the plans and

2-66 specifications of the road project.

2-67 Sec. 7927.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-68 OR RESOLUTION. The district shall comply with all applicable

2-69 requirements of any ordinance or resolution that is adopted under

3-1 Section 54.016 or 54.0165, Water Code, and that consents to the  
3-2 creation of the district or to the inclusion of land in the  
3-3 district.

3-4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-5 Sec. 7927.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
3-6 district may issue, without an election, bonds and other  
3-7 obligations secured by:

3-8 (1) revenue other than ad valorem taxes; or

3-9 (2) contract payments described by Section 7927.153.

3-10 (b) The district must hold an election in the manner  
3-11 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-12 before the district may impose an ad valorem tax or issue bonds  
3-13 payable from ad valorem taxes.

3-14 (c) The district may not issue bonds payable from ad valorem  
3-15 taxes to finance a road project unless the issuance is approved by a  
3-16 vote of a two-thirds majority of the district voters voting at an  
3-17 election held for that purpose.

3-18 Sec. 7927.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-19 authorized at an election held under Section 7927.151, the district  
3-20 may impose an operation and maintenance tax on taxable property in  
3-21 the district in accordance with Section 49.107, Water Code.

3-22 (b) The board shall determine the tax rate. The rate may not  
3-23 exceed the rate approved at the election.

3-24 Sec. 7927.153. CONTRACT TAXES. (a) In accordance with  
3-25 Section 49.108, Water Code, the district may impose a tax other than  
3-26 an operation and maintenance tax and use the revenue derived from  
3-27 the tax to make payments under a contract after the provisions of  
3-28 the contract have been approved by a majority of the district voters  
3-29 voting at an election held for that purpose.

3-30 (b) A contract approved by the district voters may contain a  
3-31 provision stating that the contract may be modified or amended by  
3-32 the board without further voter approval.

3-33 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-34 Sec. 7927.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-35 OBLIGATIONS. The district may issue bonds or other obligations  
3-36 payable wholly or partly from ad valorem taxes, impact fees,  
3-37 revenue, contract payments, grants, or other district money, or any  
3-38 combination of those sources, to pay for any authorized district  
3-39 purpose.

3-40 Sec. 7927.202. TAXES FOR BONDS. At the time the district  
3-41 issues bonds payable wholly or partly from ad valorem taxes, the  
3-42 board shall provide for the annual imposition of a continuing  
3-43 direct ad valorem tax, without limit as to rate or amount, while all  
3-44 or part of the bonds are outstanding as required and in the manner  
3-45 provided by Sections 54.601 and 54.602, Water Code.

3-46 Sec. 7927.203. BONDS FOR ROAD PROJECTS. At the time of  
3-47 issuance, the total principal amount of bonds or other obligations  
3-48 issued or incurred to finance road projects and payable from ad  
3-49 valorem taxes may not exceed one-fourth of the assessed value of the  
3-50 real property in the district.

3-51 SECTION 2. The Fort Bend County Municipal Utility District  
3-52 No. 218 initially includes all the territory contained in the  
3-53 following area:

3-54 A 232.215 acre, or 10,115,268 square feet more or less tract of  
3-55 land, being all of that 250 acre tract of land conveyed to Frank  
3-56 Chalupa and described in a deed recorded in Volume 182, Page 194 of  
3-57 the Deed Records of Fort Bend County, Texas, subsequently divided  
3-58 into seven parcels and conveyed as follows: 41.58 acres conveyed to  
3-59 Edwin G. Chalupa et al in a deed recorded in Volume 708, Page 5,  
3-60 corrected in document recorded in Volume 753, Page 746, Deed  
3-61 Records of Fort Bend County, Texas, subsequently conveyed to  
3-62 Patrick B. Chalupa, Melissa K. Chalupa aka Melissa Chalupa Gonzalez  
3-63 by deeds recorded in Document Numbers 9621563, 2007000110,  
3-64 2007061950, 2014005282, and 2014005283 of the Official Public  
3-65 Records of Fort Bend County, Texas; 41.58 acres conveyed to Robert  
3-66 E. Chalupa et al by deed recorded in Volume 708, Page 9, corrected  
3-67 in Document recorded in Volume 753, Page 746, Deed Records of Fort  
3-68 Bend County, Texas; 41.58 acres conveyed to Bessie R. Polasek,  
3-69 Jerry William Polasek and Bessie R. Polasek as Trustee for Jerry

4-1 Wayne Polasek, Michael Polasek and Deborah Renee Polasek, by deed  
 4-2 recorded in Volume 708, Page 16, corrected in document recorded in  
 4-3 Volume 753, Page 746, Deed Records of Fort Bend County, Texas, and  
 4-4 being the same tract subsequently conveyed to Michael Polasek,  
 4-5 Jerry Wayne Polasek and Deborah Renee Polasek Macha by deeds  
 4-6 recorded in Document Numbers 9468263, 9468264, 946826, 09468266,  
 4-7 9468267, 8468268, 9459082, 9469083, and 9469084 of the Official  
 4-8 Public Records of Fort Bend County, Texas; 41.58 acres conveyed to  
 4-9 Anastazie M. Stasney, et al by deed recorded in Volume 705, Page 1,  
 4-10 corrected in document recorded in Volume 753, Page 746, Deed  
 4-11 Records of Fort Bend County, Texas, and being the same tract  
 4-12 subsequently conveyed to Alan Wayne Stasney by deeds recorded in  
 4-13 Document Numbers 9504686, 2006162504, and 2013128230 of the  
 4-14 Official Public Records of Fort Bend County, Texas; 41.58 acres  
 4-15 conveyed to John J. Chalupa, Trustee for the benefit of Delores  
 4-16 Chalupa in accordance with the Frank and Amalie Chalupa Trust III,  
 4-17 by deed recorded in Volume 707, Page 932, corrected in document  
 4-18 recorded in Volume 753, Page 748, Deed Records of Fort Bend County,  
 4-19 Texas; 20.2239 acres being a portion of 41.58 acres conveyed to John  
 4-20 J. Chalupa by deed recorded in Volume 708 Page 13, corrected in  
 4-21 document recorded in Volume 753, Page 746, Deed Records of Fort Bend  
 4-22 County, Texas, and being the same tract of land conveyed by deed  
 4-23 recorded in Document Number 9468272, Official Public Records of  
 4-24 Fort Bend County, Texas, to Bessie Polasek and Anastazie Stasney,  
 4-25 Co-Trustees for Bessie Polasek pursuant to Testamentary Trust  
 4-26 created by the Last Will and Testament of John J. Chalupa, admitted  
 4-27 to probate on August 10, 1992, in Cause No. 12,545, in the Probate  
 4-28 Court of Fort Bend County, Texas; and 21.4413 acre portion of 41.58  
 4-29 acres conveyed to John J. Chalupa by deed recorded in Volume 708,  
 4-30 Page 13, corrected in document recorded in Volume 753, Page 746,  
 4-31 Deed Records of Fort Bend County, Texas, and being the same tract of  
 4-32 land conveyed by deed recorded in Document Number 9468271, Official  
 4-33 Public Records of Fort Bend County, Texas, to Bessie Polasek and  
 4-34 Anastazie Stasney, Co-Trustees for Anastazie Stasney pursuant to  
 4-35 Testamentary Trust created by the Last Will and Testament of John J.  
 4-36 Chalupa, admitted to probate on August 10, 1992, in Cause  
 4-37 No. 12,545, in the Probate Court of Fort Bend County, Texas, all  
 4-38 situated in the W. Lusk Survey, Abstract 276, and the E. Wheat  
 4-39 Survey, Abstract 396, partially in the City of Rosenberg and  
 4-40 partially in the Rosenberg Extra-Territorial Jurisdiction, Fort  
 4-41 Bend County, Texas. Said 232.215 acre tract of land being more fully  
 4-42 described as follows, with bearings based on the Texas State Plane  
 4-43 Coordinate System, established for the South Central Zone, from the  
 4-44 North American Datum of 1983(NA2011), epoch 2010.00:

4-45 BEGINNING: At a set 5/8 inch iron rod with yellow cap marked  
 4-46 "Pape Dawson" at the northwest corner of said 250 acre tract of land  
 4-47 described in Volume 182, Page 194 of the Deed Records of Fort Bend  
 4-48 County, Texas, also being the northwest corner of said 41.58 acres  
 4-49 conveyed to Edwin G. Chalupa et al in a deed recorded in Volume 708,  
 4-50 page 5 of the Deed Records of Fort Bend County, Texas, and the  
 4-51 northwest corner of a 0.476 acre right-of-way easement conveyed to  
 4-52 the State of Texas and described in Volume 522, Page 45 of the Deed  
 4-53 Records of Fort Bend County, Texas for Minonite Road (also known as  
 4-54 F.M. 2977), a 100-foot wide right-of-way as shown on the  
 4-55 right-of-way map prepared for the Texas Department of  
 4-56 Transportation under CSJ 3048-1-4, also being the southwest corner  
 4-57 of a 0.977 acre tract of land conveyed to NGR Texas Power LLC in a  
 4-58 document recorded in Clerk's File No. 2007089660 and described in  
 4-59 Clerk's File No. 2007019710 of the Official Public Records of Fort  
 4-60 Bend County, Texas, and the southwest corner of a 0.093 of an acre  
 4-61 right-of-way easement conveyed to the State of Texas for said  
 4-62 Minonite Road and described in Volume 522, Page 36 of the Deed  
 4-63 Records of Fort Bend County, Texas;

4-64 THENCE: S67°37'36"E, along and with the northeast line of said  
 4-65 250 acre tract, the southwest line of said 0.977 acre tract, passing  
 4-66 the northeast corner of said 0.476 acre right-of-way easement and  
 4-67 southeast corner of said 0.093 acre right-of-way easement at a  
 4-68 distance of 9.00 feet, from which a found 3/4 inch iron pipe bears  
 4-69 N67°37'36"W, a distance of 0.28 feet, passing the southeast corner

5-1 of said 0.977 acre tract, the southwest corner of a 4.1687 acre  
5-2 tract of land conveyed to HV Asset, LLC and described in Clerk's  
5-3 File No. 2014072568 of the Official Public Records Fort Bend  
5-4 County, Texas, at an additional distance of 91.00 feet, passing the  
5-5 southeast corner of said 4.1687 acre tract, the southwest corner of  
5-6 a 27.550 acre tract of land conveyed to Community Focus Foundation,  
5-7 A Texas Foundation and described in Clerk's File No. 2013053843 of  
5-8 the Official Public Records of Fort Bend County, Texas at an  
5-9 additional distance of 368.89 feet, from which a found 3/4 inch iron  
5-10 pipe bears S22°22'24"W, a distance of 0.23 feet, passing the  
5-11 southeast corner of said 27.550 acre tract, the southwest corner of  
5-12 a 16.313 acre tract of land conveyed to Community Focus Foundation,  
5-13 a Texas Nonprofit Corporation in Clerk's File No. 2013054877 of the  
5-14 Official Public Records of Fort Bend County, Texas at an additional  
5-15 distance of 779.25 feet, from which a found iron rod with cap marked  
5-16 "Kalkomey Surveying" bears N22°22'24"E, a distance of 0.27 feet,  
5-17 passing the southeast corner of said 16.313 acre tract of land  
5-18 conveyed to Community Focus Foundation, a Texas Nonprofit  
5-19 Corporation, the southwest corner of a 16.313 acre tract of land  
5-20 conveyed to Michael and Madeleine Ghosn, and described in Clerk's  
5-21 File No. 2011016213 of the Official Public Records of Fort Bend  
5-22 County, Texas at an additional distance of 449.82 feet, from which a  
5-23 found iron rod with cap marked "Kalkomey Surveying" bears  
5-24 N22°22'24"E, a distance of 0.57 feet, passing the southeast corner  
5-25 of said 16.313 acre tract conveyed to Michael and Madeleine Ghosn,  
5-26 the southwest corner of a 23.425 acre tract of land conveyed to  
5-27 Niranjana and Jasmin Patel and described in Clerk's File  
5-28 No. 2013077203 of the Official Public Records of Fort Bend County,  
5-29 Texas at an additional distance of 449.73 feet, passing the  
5-30 southeast corner of said 23.425 acre tract, the southwest corner of  
5-31 a 32.626 acre tract of land conveyed to Vertical Capital Holdings,  
5-32 LLC and described in Clerk's File No. 2014024505 of the Official  
5-33 Public Records of Fort Bend County, Texas, at an additional  
5-34 distance of 646.32 feet, passing the southeast corner of said  
5-35 32.626 acre tract, the southwest corner of a 32.63 acre tract of  
5-36 land conveyed to Zion Hill Baptist Church in Crabb, Texas and  
5-37 described in Clerk's File No. 2010105939 of the Official Public  
5-38 Records of Fort Bend County, Texas at an additional distance of  
5-39 900.72 feet, passing the southeast corner of said 32.63 acre tract,  
5-40 the southwest corner of a 33.450 acre tract of land conveyed to  
5-41 Wilbert Ulrich and described in Volume 2236, Page 2080 of the Deed  
5-42 Records of Fort Bend County, Texas at an additional distance of  
5-43 901.24 feet, along and with the south line of said 33.450 acre  
5-44 tract, and additional distance of 926.55 feet, for a total distance  
5-45 of 5522.52 feet to a set MAG nail with shiner marked "Pape-Dawson"  
5-46 on the east line of a 30-foot wide right-of-way easement conveyed to  
5-47 Fort Bend County and described in Volume 181, Page 611 of the Deed  
5-48 Records of Fort Bend County, Texas for the creation of Benton Road,  
5-49 a 60-foot wide right-of-way, at the southeast corner of said 33.450  
5-50 acre tract, the northeast corner of said 250 acre tract and the  
5-51 northeast corner of said 20.2239 acre portion of a 41.58 acre tract  
5-52 conveyed to John J. Chalupa by deed recorded in Volume 708, Page 13  
5-53 of the Deed Records of Fort Bend County, Texas, from which a found  
5-54 Mag nail bears N00°14'41"W, a distance of 3.79 feet;

5-55 THENCE: S22°21'30"W, along and with centerline of said Benton  
5-56 Road, also being the east line of said 250 acre tract, the east line  
5-57 of said 30-foot wide right-of-way easement, and the east line of  
5-58 said 20.2239 acre and said 21.4413 acre portion of the 41.58 acre  
5-59 tract of land conveyed to John J. Chalupa, passing a found MAG nail  
5-60 at a distance of 750.63 feet, from which another found MAG nail  
5-61 bears N17°20'04"E, a distance of 5.27 feet, continuing along said  
5-62 east line and centerline, an additional distance of 1222.50 feet  
5-63 for a total distance of 1973.13 feet to a set 5/8 inch iron rod with  
5-64 yellow cap marked "Pape-Dawson" on the north line of a 30.71 acre  
5-65 tract of land conveyed to Lennar Homes of Texas Land and  
5-66 Construction, Ltd. and described in Clerk's File No. 2005142966 of  
5-67 the Official Public Records of Fort Bend County, Texas, at the  
5-68 southeast corner of said 250 acres tract, the southeast corner of  
5-69 said 21.4413 acre tract, and the southeast corner of said 30-foot

6-1 wide right-of-way easement;

6-2       THENCE: N67°37'36"W, departing the centerline of said Benton  
6-3 Road, also being the east line of said 250 acre tract, the east line  
6-4 of said 30-foot wide right-of-way easement, and the east line of  
6-5 said 20.2239 acre and 21.4413 acre portions of the 41.58 acre tract  
6-6 of land conveyed to John J. Chalupa, along and with the south line  
6-7 of said 250 acre tract of land, the north line of said 30.71 acre  
6-8 tract, now partially platted as Walnut Creek Section Four, recorded  
6-9 in Clerk's File No. 20140011 of the Official Public Records of Fort  
6-10 Bend County, Texas and Walnut Creek Section Nine, recorded in  
6-11 Clerk's File No. 20120064 of the Official Public Records of Fort  
6-12 Bend County, Texas, passing a found iron rod with cap marked "IDS"  
6-13 at the common corner between Lot 16, Block 1 and Lot 26, Block 1 of  
6-14 said Walnut Creek Section Four at a distance of 1899.49 feet,  
6-15 passing a found iron rod with illegible cap at the common corner  
6-16 between Lot 14, Block 1 of said Walnut Creek Section Four and Lot  
6-17 18, Block 1 of said Walnut Creek Section Nine at an additional  
6-18 distance of 327.00 feet, continuing along the south line of said 250  
6-19 acres, now being the north line of said Walnut Creek Section Nine,  
6-20 passing the northwest corner of said Walnut Creek Section Nine, the  
6-21 northeast corner of Walnut Creek Section Three, recorded in Clerk's  
6-22 File No. 20090032 of the Official Public Records of Fort Bend  
6-23 County, Texas at an additional distance of 917.38 feet, passing the  
6-24 northwest corner of said Walnut Creek Section Three, the northeast  
6-25 corner of Rosehaven Section 2, recorded in Clerk's File  
6-26 No. 20050172 of the Official Public Records of Fort Bend County,  
6-27 Texas at an additional distance of 259.13 feet, passing the  
6-28 northwest corner of said Rosehaven Sec. 2, the northeast corner of  
6-29 Restricted Reserve "A", Walnut Creek Recreational Reserve,  
6-30 recorded in Clerk's File No. 20100086 of the Official Public  
6-31 Records of Fort Bend County, Texas, at an additional distance of  
6-32 1,290.33, for a total distance of 4989.24 feet, to a point, said  
6-33 point being located S67°37'36"E a distance of 16.07 feet from the  
6-34 northwest corner of said Rosehaven Sec. 2, the northeast corner of  
6-35 Restricted Reserve "A", Walnut Creek Recreational Reserve,  
6-36 recorded in Clerk's File No. 20100086 of the Official Public  
6-37 Records of Fort Bend County, Texas;

6-38       THENCE: Over and across the said 250 acre tract of land the  
6-39 following courses and distances:

6-40       N22°22'24"E, a distance of 129.84 feet to a point,  
6-41       N20°01'13"E, a distance of 59.92 feet to a point,  
6-42       N22°28'53"E, a distance of 358.51 feet to a point,  
6-43       N18°09'34"E, a distance of 60.26 feet to a point,  
6-44       N22°24'27"E, a distance of 129.92 feet to a point,  
6-45       N22°48'47"E, a distance of 152.32 feet to a point,  
6-46       N17°28'20"E, a distance of 190.00 feet to a point,  
6-47       S72°54'19"E, a distance of 23.20 feet to a point,

6-48       Northeasterly, along a non-tangent curve to the left, having  
6-49 a radial bearing of N 17°05'41" E, a radius of 24.84 feet, a central  
6-50 angle of 92°12'15", a chord bearing and distance of N 60°59'33" E,  
6-51 35.80 feet, for an arc length of 39.98 feet to a point,

6-52       Southeasterly, along the arc of a reverse curve to the right  
6-53 with a radius of 780.39 feet, an interior angle of 12°35'14", and a  
6-54 chord bearing and distance of N 21°11'03" E, 171.10 feet; for an arc  
6-55 length of 171.44 feet to a point,

6-56       N 27°06'01" E, a distance of 59.97 feet to a point,

6-57       Northwesterly, along a tangent curve to the left with a  
6-58 radius of 2280.00 feet, a central angle of 02°47'20", and a chord  
6-59 bearing and distance of N 25°42'20" E, 110.97 feet, for an arc length  
6-60 of 110.98 feet to a point,

6-61       N 67°30'19" W, a distance of 260.14 feet to a point,

6-62       N 54°51'39" W, a distance of 61.08 feet to a point, and

6-63       N 67°21'55" W, a distance of 247.25 feet to a point;

6-64       THENCE: N 22°29'41" E, along and with the west line of said  
6-65 0.476 acre right-of-way easement and west line of said 250 acre  
6-66 tract, a distance of 506.41 feet to the POINT OF BEGINNING and  
6-67 containing 232.215 acres in the Extra-Territorial Jurisdiction of  
6-68 Rosenberg, Fort Bend County, Texas. Said tract being described in  
6-69 accordance with a survey made on the ground and a survey description

7-1 and map prepared under job number 49077-14 by Pape-Dawson  
7-2 Engineers, Inc.

7-3 SECTION 3. (a) The legal notice of the intention to  
7-4 introduce this Act, setting forth the general substance of this  
7-5 Act, has been published as provided by law, and the notice and a  
7-6 copy of this Act have been furnished to all persons, agencies,  
7-7 officials, or entities to which they are required to be furnished  
7-8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
7-9 Government Code.

7-10 (b) The governor, one of the required recipients, has  
7-11 submitted the notice and Act to the Texas Commission on  
7-12 Environmental Quality.

7-13 (c) The Texas Commission on Environmental Quality has filed  
7-14 its recommendations relating to this Act with the governor, the  
7-15 lieutenant governor, and the speaker of the house of  
7-16 representatives within the required time.

7-17 (d) All requirements of the constitution and laws of this  
7-18 state and the rules and procedures of the legislature with respect  
7-19 to the notice, introduction, and passage of this Act are fulfilled  
7-20 and accomplished.

7-21 SECTION 4. (a) If this Act does not receive a two-thirds  
7-22 vote of all the members elected to each house, Subchapter C, Chapter  
7-23 7927, Special District Local Laws Code, as added by Section 1 of  
7-24 this Act, is amended by adding Section 7927.106 to read as follows:

7-25 Sec. 7927.106. NO EMINENT DOMAIN POWER. The district may  
7-26 not exercise the power of eminent domain.

7-27 (b) This section is not intended to be an expression of a  
7-28 legislative interpretation of the requirements of Section 17(c),  
7-29 Article I, Texas Constitution.

7-30 SECTION 5. This Act takes effect September 1, 2015.

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