

1-1 By: Bell of Montgomery (Senate Sponsor - Kolkhorst) H.B. No. 4520
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 15, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 15, 2019, 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 Harris-Waller Counties Municipal
1-18 Utility District No. 4; 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 8047 to read as follows:

1-24 CHAPTER 8047. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT

1-25 NO. 4

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8047.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on
1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Harris-Waller Counties
1-33 Municipal Utility District No. 4.

1-34 Sec. 8047.0102. NATURE OF DISTRICT. The district is a
1-35 municipal utility district created under Section 59, Article XVI,
1-36 Texas Constitution.

1-37 Sec. 8047.0103. CONFIRMATION AND DIRECTOR ELECTION
1-38 REQUIRED. The temporary directors shall hold an election to
1-39 confirm the creation of the district and to elect five permanent
1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 8047.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section
1-43 8047.0103 until each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district.

1-47 Sec. 8047.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-48 (a) The district is created to serve a public purpose and benefit.

1-49 (b) The district is created to accomplish the purposes of:

1-50 (1) a municipal utility district as provided by
1-51 general law and Section 59, Article XVI, Texas Constitution; and

1-52 (2) Section 52, Article III, Texas Constitution, that
1-53 relate to the construction, acquisition, improvement, operation,
1-54 or maintenance of macadamized, graveled, or paved roads, or
1-55 improvements, including storm drainage, in aid of those roads.

1-56 Sec. 8047.0106. INITIAL DISTRICT TERRITORY. (a) The
1-57 district is initially composed of the territory described by
1-58 Section 2 of the Act enacting this chapter.

1-59 (b) The boundaries and field notes contained in Section 2 of
1-60 the Act enacting this chapter form a closure. A mistake made in the
1-61 field notes or in copying the field notes in the legislative process

2-1 does not affect the district's:
 2-2 (1) organization, existence, or validity;
 2-3 (2) right to issue any type of bond for the purposes
 2-4 for which the district is created or to pay the principal of and
 2-5 interest on a bond;
 2-6 (3) right to impose a tax; or
 2-7 (4) legality or operation.

2-8 SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 8047.0201. GOVERNING BODY; TERMS. (a) The district is
 2-10 governed by a board of five elected directors.

2-11 (b) Except as provided by Section 8047.0202, directors
 2-12 serve staggered four-year terms.

2-13 Sec. 8047.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-14 board consists of:

- 2-15 (1) Ruth Delaney;
- 2-16 (2) Tracy Butcher;
- 2-17 (3) Erica Tabrizi;
- 2-18 (4) Virginia Bryant; and
- 2-19 (5) Way Denkler.

2-20 (b) Temporary directors serve until the earlier of:

- 2-21 (1) the date permanent directors are elected under
 2-22 Section 8047.0103; or
- 2-23 (2) the fourth anniversary of the effective date of
 2-24 the Act enacting this chapter.

2-25 (c) If permanent directors have not been elected under
 2-26 Section 8047.0103 and the terms of the temporary directors have
 2-27 expired, successor temporary directors shall be appointed or
 2-28 reappointed as provided by Subsection (d) to serve terms that
 2-29 expire on the earlier of:

- 2-30 (1) the date permanent directors are elected under
 2-31 Section 8047.0103; or
- 2-32 (2) the fourth anniversary of the date of the
 2-33 appointment or reappointment.

2-34 (d) If Subsection (c) applies, the owner or owners of a
 2-35 majority of the assessed value of the real property in the district
 2-36 may submit a petition to the commission requesting that the
 2-37 commission appoint as successor temporary directors the five
 2-38 persons named in the petition. The commission shall appoint as
 2-39 successor temporary directors the five persons named in the
 2-40 petition.

2-41 SUBCHAPTER C. POWERS AND DUTIES

2-42 Sec. 8047.0301. GENERAL POWERS AND DUTIES. The district
 2-43 has the powers and duties necessary to accomplish the purposes for
 2-44 which the district is created.

2-45 Sec. 8047.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-46 DUTIES. The district has the powers and duties provided by the
 2-47 general law of this state, including Chapters 49 and 54, Water Code,
 2-48 applicable to municipal utility districts created under Section 59,
 2-49 Article XVI, Texas Constitution.

2-50 Sec. 8047.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-51 52, Article III, Texas Constitution, the district may design,
 2-52 acquire, construct, finance, issue bonds for, improve, operate,
 2-53 maintain, and convey to this state, a county, or a municipality for
 2-54 operation and maintenance macadamized, graveled, or paved roads, or
 2-55 improvements, including storm drainage, in aid of those roads.

2-56 Sec. 8047.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-57 road project must meet all applicable construction standards,
 2-58 zoning and subdivision requirements, and regulations of each
 2-59 municipality in whose corporate limits or extraterritorial
 2-60 jurisdiction the road project is located.

2-61 (b) If a road project is not located in the corporate limits
 2-62 or extraterritorial jurisdiction of a municipality, the road
 2-63 project must meet all applicable construction standards,
 2-64 subdivision requirements, and regulations of each county in which
 2-65 the road project is located.

2-66 (c) If the state will maintain and operate the road, the
 2-67 Texas Transportation Commission must approve the plans and
 2-68 specifications of the road project.

2-69 Sec. 8047.0305. COMPLIANCE WITH MUNICIPAL CONSENT

3-1 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-2 applicable requirements of any ordinance or resolution that is
 3-3 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-4 consents to the creation of the district or to the inclusion of land
 3-5 in the district.

3-6 Sec. 8047.0306. DIVISION OF DISTRICT. (a) The district may
 3-7 be divided into two or more new districts only if:

3-8 (1) the district has no outstanding bonded debt; and

3-9 (2) the district is not imposing ad valorem taxes.

3-10 (b) This chapter applies to any new district created by the
 3-11 division of the district, and a new district has all the powers and
 3-12 duties of the district.

3-13 (c) Any new district created by the division of the district
 3-14 may not, at the time the new district is created, contain any land
 3-15 outside the area described by Section 2 of the Act enacting this
 3-16 chapter.

3-17 (d) The board, on its own motion or on receipt of a petition
 3-18 signed by the owner or owners of a majority of the assessed value of
 3-19 the real property in the district, may adopt an order dividing the
 3-20 district.

3-21 (e) The board may adopt an order dividing the district
 3-22 before or after the date the board holds an election under Section
 3-23 8047.0103 to confirm the creation of the district.

3-24 (f) An order dividing the district shall:

3-25 (1) name each new district;

3-26 (2) include the metes and bounds description of the
 3-27 territory of each new district;

3-28 (3) appoint temporary directors for each new district;

3-29 and

3-30 (4) provide for the division of assets and liabilities
 3-31 between or among the new districts.

3-32 (g) On or before the 30th day after the date of adoption of
 3-33 an order dividing the district, the district shall file the order
 3-34 with the commission and record the order in the real property
 3-35 records of each county in which the district is located.

3-36 (h) Any new district created by the division of the district
 3-37 shall hold a confirmation and directors' election as required by
 3-38 Section 8047.0103.

3-39 (i) If the creation of the new district is confirmed, the
 3-40 new district shall provide the election date and results to the
 3-41 commission.

3-42 (j) Any new district created by the division of the district
 3-43 must hold an election as required by this chapter to obtain voter
 3-44 approval before the district may impose a maintenance tax or issue
 3-45 bonds payable wholly or partly from ad valorem taxes.

3-46 (k) Municipal consent to the creation of the district and to
 3-47 the inclusion of land in the district granted under Section
 3-48 8047.0104 acts as municipal consent to the creation of any new
 3-49 district created by the division of the district and to the
 3-50 inclusion of land in the new district.

3-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-52 Sec. 8047.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-53 The district may issue, without an election, bonds and other
 3-54 obligations secured by:

3-55 (1) revenue other than ad valorem taxes; or

3-56 (2) contract payments described by Section 8047.0403.

3-57 (b) The district must hold an election in the manner
 3-58 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-59 before the district may impose an ad valorem tax or issue bonds
 3-60 payable from ad valorem taxes.

3-61 (c) The district may not issue bonds payable from ad valorem
 3-62 taxes to finance a road project unless the issuance is approved by a
 3-63 vote of a two-thirds majority of the district voters voting at an
 3-64 election held for that purpose.

3-65 Sec. 8047.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-66 authorized at an election held under Section 8047.0401, the
 3-67 district may impose an operation and maintenance tax on taxable
 3-68 property in the district in accordance with Section 49.107, Water
 3-69 Code.

4-1 (b) The board shall determine the tax rate. The rate may not
 4-2 exceed the rate approved at the election.

4-3 Sec. 8047.0403. CONTRACT TAXES. (a) In accordance with
 4-4 Section 49.108, Water Code, the district may impose a tax other than
 4-5 an operation and maintenance tax and use the revenue derived from
 4-6 the tax to make payments under a contract after the provisions of
 4-7 the contract have been approved by a majority of the district voters
 4-8 voting at an election held for that purpose.

4-9 (b) A contract approved by the district voters may contain a
 4-10 provision stating that the contract may be modified or amended by
 4-11 the board without further voter approval.

4-12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-13 Sec. 8047.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-14 OBLIGATIONS. The district may issue bonds or other obligations
 4-15 payable wholly or partly from ad valorem taxes, impact fees,
 4-16 revenue, contract payments, grants, or other district money, or any
 4-17 combination of those sources, to pay for any authorized district
 4-18 purpose.

4-19 Sec. 8047.0502. TAXES FOR BONDS. At the time the district
 4-20 issues bonds payable wholly or partly from ad valorem taxes, the
 4-21 board shall provide for the annual imposition of a continuing
 4-22 direct ad valorem tax, without limit as to rate or amount, while all
 4-23 or part of the bonds are outstanding as required and in the manner
 4-24 provided by Sections 54.601 and 54.602, Water Code.

4-25 Sec. 8047.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-26 issuance, the total principal amount of bonds or other obligations
 4-27 issued or incurred to finance road projects and payable from ad
 4-28 valorem taxes may not exceed one-fourth of the assessed value of the
 4-29 real property in the district.

4-30 SECTION 2. The Harris-Waller Counties Municipal Utility
 4-31 District No. 4 initially includes all the territory contained in
 4-32 the following area:

4-33 TRACT 1 - 384.139 ACRES

4-34 Being a tract of land containing 384.139 acres located in the
 4-35 H.&T.C.R.R. Co. Survey, Section 121, Abstract 201 (A-201), and the
 4-36 J.W. McCutcheon Survey, Section 130, A-308, both in Waller County,
 4-37 Texas. Said 384.139 acres being those certain call 383.1710 acre
 4-38 and 1.00 acre tracts of land (styled "Tract 1" and "Tract 2",
 4-39 respectively) recorded in the name of Kenneth Lee Freeman, Charles
 4-40 Randall Freeman, David Wayne Freeman and Diana Lynn Ballard,
 4-41 Trustees in Volume 471, Page 468 of the Waller County Deed Records
 4-42 (W.C.D.R.). Said 384.139 acres being more particularly described
 4-43 by metes and bounds as follows (bearings are referenced to the Texas
 4-44 Coordinate System of 1983, South Central Zone, based on GPS
 4-45 observations):

4-46 COMMENCING at a 1/2 inch iron rod found at the northwest
 4-47 corner of said A-201, the northeast corner of the F. Eule Survey,
 4-48 Section 112, A-373, the southeast corner of the H.&T.C.R.R. Co.
 4-49 Survey, Section 111, A-172, and the F. Eule Survey, Section 120,
 4-50 A-375, all in Waller County, Texas, being at the intersection of
 4-51 Schlipf Road and Stockdick Road, and from which a 1/2 inch iron pipe
 4-52 found at the northeast corner of said A-201 and northwest corner of
 4-53 said A-308 bears North 87 degrees 59 minutes 16 seconds East, a
 4-54 distance of 5,297.10 feet;

4-55 THENCE, with said Schlipf Road and the common line between
 4-56 said A-201 and A-373, South 02 degrees 05 minutes 03 seconds East, a
 4-57 distance of 2,779.90 feet to a Nail set in asphalt at the POINT OF
 4-58 BEGINNING and northwest corner of aforesaid 383.1710 acre tract,
 4-59 same being the southwest corner of the Dollins 281.50 acre tract;

4-60 THENCE, with the common line between said 383.1710 acre tract
 4-61 and said Dollins 281.50 acre tract, North 87 degrees 54 minutes 31
 4-62 seconds East, passing a 1/2 inch iron pipe found at 25.67 feet for
 4-63 reference, and continuing for a total distance of 2,314.64 feet
 4-64 (call 2,315.22 feet) to a 5/8 inch capped iron rod stamped "GBI
 4-65 Partners" set at the northwest corner of the Dollins 10 acre tract;

4-66 THENCE, with the common lines between said 383.1710 acre
 4-67 tract and said Dollins 10 acre tract, the following two (2) courses:

4-68 1.) South 02 degrees 05 minutes 59 seconds East, a
 4-69 distance of 684.50 feet to a 5/8 inch capped iron rod stamped

5-1 "GBI Partners" set at the southwest corner of said Dollins 10
5-2 acre tract;

5-3 2.) North 87 degrees 54 minutes 31 seconds East, a
5-4 distance of 405.00 feet to a 5/8 inch capped iron rod stamped
5-5 "GBI Partners" set at the most southerly southeast corner of
5-6 said Dollins 10 acre tract, same being the southwest corner
5-7 of the aforesaid 1.00 acre tract;

5-8 THENCE, with the common lines between said 1.00 acre tract
5-9 and said Dollins 10 acre tract, the following two (2) courses:

5-10 1.) North 02 degrees 05 minutes 59 seconds West, a
5-11 distance of 159.00 feet to a 5/8 inch capped iron rod stamped
5-12 "GBI Partners" set at the northwest corner of said 1.00 acre
5-13 tract;

5-14 2.) South 87 degrees 41 minutes 42 seconds East, a
5-15 distance of 295.87 feet to a 5/8 inch capped iron rod stamped
5-16 "GBI Partners" set at the most easterly southeast corner of
5-17 said Dollins 10 acre tract, the northeast corner of said 1.00
5-18 acre tract and being on the most easterly west line of
5-19 aforesaid 383.1710 acre tract;

5-20 THENCE, with a common line between said 383.1710 acre tract
5-21 and said Dollins 10 acre tract, North 02 degrees 05 minutes 59
5-22 seconds West, a distance of 548.18 feet to a 5/8 inch capped iron
5-23 rod stamped "GBI Partners" set at the northeast corner of said
5-24 Dollins 10 acre tract and being on the south line of the aforesaid
5-25 Dollins 281.50 acre tract;

5-26 THENCE, with the north line of said 383.1710 acre tract and
5-27 the south line of said Dollins 281.50 acre tract and the Dollins
5-28 88.30 acre and 499.65 acre tracts, North 87 degrees 54 minutes 31
5-29 seconds East, passing the common line between aforesaid A-201 and
5-30 A-308 at 2,284.28 feet, and continuing for a total distance of
5-31 3,846.71 feet to a 5/8 inch capped iron rod found at the northeast
5-32 corner of said 383.1710 acre tract;

5-33 THENCE, with the east line of said 383.1710 acre tract and
5-34 west line of said Dollins 499.65 acre tract, South 02 degrees 07
5-35 minutes 54 seconds East, passing a 3/4 inch capped iron rod found at
5-36 2,469.93 feet for reference, and continuing for a total distance of
5-37 2,508.30 feet to the southeast corner of said 383.1710 acre tract,
5-38 being in Clay Road (call 60 feet wide as described in Volume 106,
5-39 Page 492 of the W.C.D.R.) and on the common line between aforesaid
5-40 A-308 and the H.&T.C.R.R. Co. Survey, Section 127, A-205, in Waller
5-41 County, Texas, and from which point a found nail in asphalt bears
5-42 North 88 degrees 00 minutes 59 seconds East, a distance of 0.78
5-43 feet;

5-44 THENCE, with said common line, the common line between
5-45 aforesaid A-201 and the T. Reese Survey, Section 122, A-333, in
5-46 Waller County, Texas, the south line of said 383.1710 acre tract and
5-47 said Clay Road, South 88 degrees 00 minutes 59 seconds West, passing
5-48 a 1/2 inch iron pipe found at 1,562.87 feet for reference and being
5-49 at the southwest corner of said A-308, the southeast corner of said
5-50 A-201, the northeast corner of said A-333 and the northwest corner
5-51 of said A-205, and continuing for a total distance of 6,863.43 feet
5-52 to a 1/2 inch iron rod found under asphalt at the southwest corner
5-53 of said 383.1710 acre tract and said A-201, same being the northwest
5-54 corner of said A-333, the southeast corner of aforesaid A-373 and
5-55 the northeast corner of the H.&T.C.R.R. Co. Survey, Section 109,
5-56 A-171, in Waller County, Texas, and being at the intersection of
5-57 aforesaid Schlipf Road and Clay Road;

5-58 THENCE, with the west line of said 383.1710 acre tract, the
5-59 common line between said A-201 and A-373, and said Schlipf Road,
5-60 North 02 degrees 05 minutes 03 seconds West, a distance of 2,495.42
5-61 feet (call 2,495.62 feet) to the POINT OF BEGINNING and containing
5-62 384.139 acres of land.

5-63 TRACT 2 - 655.54 ACRES

5-64 A METES & BOUNDS description of a 655.54 acre tract of land in
5-65 the H. & T. C. Railroad Company Survey Section 121, Abstract 201,
5-66 and the J. W. McCutcheon Survey, Section 130, Abstract 308, Waller
5-67 County, Texas, and the J. W. McCutcheon Survey, Abstract 1713,
5-68 Harris County, Texas, being the residue of that certain called
5-69 1,277.0358 acre tract recorded in Volume 313, Page 416, Deed

6-1 Records, Waller County, Texas, with all bearings based upon the
 6-2 Texas Coordinate System of 1983, South Central Zone, based upon GPS
 6-3 observations.

6-4 Beginning at a Mag nail set with shiner at the intersection of
 6-5 Schlipf Road and Stockdick School Road for the northwest corner of
 6-6 said called 1,277.0358 acre tract, for the northwest corner and
 6-7 Place of Beginning of the herein described tract, said point being
 6-8 the northwest corner of said Section 121, same being the northeast
 6-9 corner of the adjoining Fred Eule Survey, Abstract 373, the
 6-10 southeast corner of the adjoining H. & T. C. Railroad Company
 6-11 Survey, Section 111, Abstract 172, and the southwest corner of the
 6-12 adjoining Fred Eule Survey, Abstract 375, and the southwest corner
 6-13 of an adjoining called 162.614 acre tract recorded under County
 6-14 Clerk's File Number 1700518, Official Records, Waller County,
 6-15 Texas;

6-16 Thence North 87 degrees 59 minutes 38 seconds East (called
 6-17 South 89 degrees 56 minutes 36 seconds East) along the north line of
 6-18 the herein described tract, the north line of said called
 6-19 1,277.0358 acre tract, and the north line of said Section 121, same
 6-20 being the south line of said adjoining Fred Eule Survey, Abstract
 6-21 375, and the south line of said adjoining called 162.614 acre tract,
 6-22 at 2,669.63 feet pass a 1/2 inch iron pipe found on said line for the
 6-23 southeast corner of said adjoining called 162.614 acre tract, same
 6-24 being the southwest corner of an adjoining called 1,263.584 acre
 6-25 tract recorded in Volume 449, Page 312, Deed Records, Waller
 6-26 County, Texas, at 3,117.89 feet pass a 1/2 inch iron pipe found on
 6-27 said line, and continuing for a total distance of 5,297.06 feet
 6-28 (called 5,297.44 feet) to a 1/2 inch iron pipe found for angle
 6-29 point, said point being the northeast corner of said Section 121,
 6-30 same being the northwest corner of the aforementioned Section 130,
 6-31 same being the southeast corner of said adjoining Fred Eule Survey,
 6-32 Abstract 375, same being the southwest corner of the adjoining H. &
 6-33 T. C. Railroad Company Survey, Section 129, Abstract 204;

6-34 Thence North 87 degrees 58 minutes 20 seconds East (called
 6-35 South 89 degrees 56 minutes 36 seconds East) along the north line of
 6-36 the herein described tract, the north line of said called
 6-37 1,277.0358 acre tract, and the north line of said Section 130, same
 6-38 being the south line of said adjoining called 1,263.584 acre tract,
 6-39 and the south line of said adjoining Section 129, 5,242.80 feet
 6-40 (called 5,242.24 feet) to a Mag nail set with shiner in the
 6-41 intersection of Stockdick School Road and Pitts Road for the
 6-42 northeast corner of the herein described tract, the northeast
 6-43 corner of said called 1,277.0358 acre tract, and the northeast
 6-44 corner of said Section 130, same being the southeast corner of said
 6-45 adjoining called 1,263.584 acre tract, and the southeast corner of
 6-46 said adjoining Section 129, the southwest corner of the adjoining
 6-47 George Spencer Survey, Abstract 1366, and the northwest corner of
 6-48 the adjoining H. & T. C. Railroad Company Survey, Section 79,
 6-49 Abstract 464;

6-50 Thence South 02 degrees 04 minutes 22 seconds East (called
 6-51 South) along the east line of the herein described tract, the east
 6-52 line of said called 1,277.0358 acre tract, and the east line of said
 6-53 Section 130, same being the west line of said adjoining Section 79,
 6-54 as located in Pitts Road, 3,821.34 feet to a Mag nail set with
 6-55 shiner for the upper southeast corner of the herein described
 6-56 tract, being in the centerline of Cane Island Branch;

6-57 Thence along the centerline of Cane Island Branch, being the
 6-58 common line of the herein described tract and an adjoining called
 6-59 219.6424 acre tract recorded under County Clerk's File Number
 6-60 1606411, Official Records, Waller County, Texas, with the following
 6-61 courses and distances:

6-62 South 87 degrees 57 minutes 57 seconds West, 99.09 feet
 6-63 (adjoiner called South 87 degrees 58 minutes 32 seconds West)
 6-64 to beginning of a curve to the right;

6-65 Thence along said curve to the right having a central
 6-66 angle of 30 degrees 51 minutes 03 seconds (adjoiner called 30
 6-67 degrees 51 minutes 02 seconds), a radius of 724.84 feet
 6-68 (adjoiner called 724.84 feet), an arc length of 390.29 feet
 6-69 (adjoiner called 390.29 feet), and a chord bearing North 76

7-1 degrees 36 minutes 32 seconds West, 385.59 feet (adjoiner
7-2 called North 76 degrees 35 minutes 51 seconds West, 385.59
7-3 feet) to the end of said curve;
7-4 North 61 degrees 11 minutes 00 seconds West, 2,960.39
7-5 feet (adjoiner called North 61 degrees 10 minutes 25 seconds
7-6 West, 2,960.39 feet);
7-7 North 49 degrees 39 minutes 44 seconds West, 1,105.19
7-8 feet (adjoiner called North 49 degrees 39 minutes 09 seconds
7-9 West, 1,105.19 feet);
7-10 North 40 degrees 00 minutes 50 seconds West, 1,195.05
7-11 feet (adjoiner called North 40 degrees 20 minutes 25 seconds
7-12 West and North 42 degrees 36 minutes 30 seconds West);
7-13 North 56 degrees 39 minutes 14 seconds West, 96.20 feet;
7-14 North 67 degrees 38 minutes 55 seconds West, 56.40 feet;
7-15 North 89 degrees 09 minutes 58 seconds West, 187.42 feet
7-16 to a point in the centerline of Cane Island Branch for a
7-17 reentry corner to the herein described tract, said point
7-18 being the northwest corner of an adjoining called 5.7438 acre
7-19 tract (Tract II) recorded under County Clerk's File Number
7-20 1606411, Official Records, Waller County, Texas;
7-21 Thence along the common line of the herein described tract
7-22 and said adjoining called 5.7438 acre tract, and the aforementioned
7-23 adjoining called 219.6424 acre tract, with the following courses
7-24 and distances:
7-25 South 02 degrees 06 minutes 10 seconds East, 836.00 feet
7-26 (adjoiner called South 02 degrees 06 minutes 10 seconds East,
7-27 836.50 feet) to a found 5/8 inch iron rod with cap marked
7-28 "EIC";
7-29 North 88 degrees 01 minute 59 seconds East, 305.32 feet
7-30 (adjoiner called North 87 degrees 53 minutes 50 seconds East,
7-31 306.00 feet) to a found 5/8 inch iron rod with cap marked
7-32 "EIC";
7-33 South 02 degrees 09 minutes 36 seconds East, 971.68 feet
7-34 (adjoiner called South 02 degrees 06 minutes 10 seconds East)
7-35 to a found 5/8 inch iron rod with cap marked "EIC";
7-36 North 87 degrees 55 minutes 45 seconds East, 577.92 feet
7-37 (adjoiner called North 87 degrees 53 minutes 35 seconds East,
7-38 578.24 feet) to a found 1/2 inch iron pipe with cap marked
7-39 "Kalkomey Surveying";
7-40 South 02 degrees 22 minutes 45 seconds East, 466.63 feet
7-41 (adjoiner called South 02 degrees 21 minutes 12 seconds East,
7-42 466.69 feet) to a found 5/8 inch iron rod with cap marked
7-43 "EIC";
7-44 North 87 degrees 52 minutes 27 seconds East, 383.91 feet
7-45 (adjoiner called North 87 degrees 53 minutes 35 seconds East,
7-46 383.89 feet) to a found 5/8 inch iron rod with cap marked
7-47 "EIC";
7-48 South 02 degrees 08 minutes 09 seconds East (adjoiner
7-49 called South 02 degrees 08 minutes 28 seconds East) at
7-50 2,541.19 feet pass a 1/2 inch iron pipe found on said line at
7-51 its intersection with the apparent occupied north
7-52 right-of-way line of Clay Road, and continuing for a total
7-53 distance of 2,579.28 feet to a Mag nail found with shiner for
7-54 the most southerly southeast corner of the herein described
7-55 tract, said point being in the south line of said called
7-56 1,277.0358 acre tract and the south line of said Section 130,
7-57 same being the north line of the adjoining H. & T. C. Railroad
7-58 Company Survey, Section 127, Abstract 205, from which point a
7-59 found PK nail bears North 05 degrees 22 minutes 33 seconds
7-60 West, 0.44 feet;
7-61 Thence South 88 degrees 00 minutes 42 seconds West (called
7-62 North 89 degrees 54 minutes 46 seconds West) along the southernmost
7-63 line of the herein described tract, the south line of said called
7-64 1,277.0358 acre tract, and the south line of said Section 130, same
7-65 being the north line of said adjoining Section 127, as located in
7-66 Clay Road, 70.00 feet to a Mag nail found with shiner for the most
7-67 southerly southwest corner of the herein described tract, same
7-68 being the southeast corner of an adjoining called 383.1710 acre
7-69 tract (Tract 1) recorded under County Clerk's File Number 1803887,

8-1 Official Records, Waller County, Texas, from which point a found PK
8-2 nail bears North 04 degrees 29 minutes 12 seconds West, 0.57 feet;
8-3 Thence North 02 degrees 09 minutes 18 seconds West (adjoiner
8-4 called North 00 degrees 03 minutes 10 seconds West) along the common
8-5 line of the herein described tract and said adjoining called
8-6 383.1710 acre tract, at 37.93 feet pass a 1/2 inch iron pipe with
8-7 cap marked "Kalkomey Surveying" found on said line at its
8-8 intersection with the apparent occupied north right-of-way line of
8-9 Clay Road, and continuing for a total distance of 2,508.22 feet
8-10 (adjoiner called 2,508.29 feet) to a 1/2 inch iron pipe with cap
8-11 marked "Kalkomey Surveying" found for a reentry corner to the
8-12 herein described tract, same being the northeast corner of said
8-13 adjoining called 383.1710 acre tract;
8-14 Thence South 87 degrees 54 minutes 31 seconds West (adjoiner
8-15 called South 89 degrees 58 minutes 53 seconds West) continuing
8-16 along said common line, 3,846.70 feet (adjoiner called 3,846.70
8-17 feet) to a 5/8 inch iron rod with cap marked "Jones | Carter" set for
8-18 corner;
8-19 Thence South 02 degrees 06 minutes 27 seconds East (adjoiner
8-20 called South 00 degrees 01 minute 37 seconds East) continuing along
8-21 said common line, 548.18 feet to a 5/8 inch iron rod with cap marked
8-22 "Kalkomey Surveying" set for corner, said point being the northeast
8-23 corner of an adjoining called 1.00 acre tract (Tract 2) recorded
8-24 under County Clerk's File Number 1803887, Official Records, Waller
8-25 County, Texas, from which point a 3/4 inch iron rod found for the
8-26 southeast corner of said adjoining called 1.00 acre tract, same
8-27 being a reentry corner to said adjoining called 383.1710 acre
8-28 tract, bears South 02 degrees 06 minutes 27 seconds East, 136.61
8-29 feet;
8-30 Thence North 87 degrees 42 minutes 05 seconds West (adjoiner
8-31 called North 85 degrees 37 minutes 20 seconds West) along the common
8-32 line of the herein described tract and said adjoining called 1.00
8-33 acre tract, 295.87 feet (adjoiner called 295.87 feet) to a 5/8 inch
8-34 iron rod with cap marked "Kalkomey Surveying" set for a reentry
8-35 corner to the herein described tract, same being the northwest
8-36 corner of said adjoining called 1.00 acre tract;
8-37 Thence South 01 degree 31 minutes 04 seconds East (adjoiner
8-38 called South 00 degrees 01 minute 37 seconds East) continuing along
8-39 said common line, 159.00 feet (adjoiner called 159.00 feet) to a 5/8
8-40 inch iron rod with cap marked "Kalkomey Surveying" set for corner,
8-41 said point being the southwest corner of said adjoining called 1.00
8-42 acre tract, and being an interior line of the aforementioned
8-43 adjoining called 383.1710 acre tract;
8-44 Thence South 87 degrees 57 minutes 59 seconds West (adjoiner
8-45 called South 89 degrees 58 minutes 53 seconds West) along the common
8-46 line of the herein described tract and said adjoining called
8-47 383.1710 acre tract, 405.00 feet (adjoiner called 405.00 feet) to a
8-48 3/4 inch iron rod found for corner, said point being a reentry
8-49 corner to said adjoining called 383.1710 acre tract;
8-50 Thence North 01 degree 58 minutes 15 seconds West (adjoiner
8-51 called North 00 degrees 01 minute 37 seconds West) continuing along
8-52 said common line, 684.12 feet (adjoiner called 684.51 feet) to a
8-53 point in an 8-inch fence corner post for a reentry corner to the
8-54 herein described tract;
8-55 Thence South 87 degrees 54 minutes 31 seconds West (adjoiner
8-56 called South 89 degrees 58 minutes 53 seconds West) continuing
8-57 along said common line, at 2,288.94 feet pass a 1/2 inch iron pipe
8-58 found on said line at its intersection with the apparent occupied
8-59 east right-of-way line of Schlipf Road, and continuing for a total
8-60 distance of 2,314.47 feet (adjoiner called 2,315.22 feet) to a Mag
8-61 nail set with shiner for a southwest corner of the herein described
8-62 tract, same being the northwest corner of said adjoining called
8-63 383.1710 acre tract, said point being in the west line of said
8-64 called 1,277.0358 acre tract and the west line of the
8-65 aforementioned Section 121, same being the east line of the
8-66 aforementioned adjoining Fred Eule Survey, Abstract 373, from which
8-67 point a bolt spike found for the southwest corner of said adjoining
8-68 called 383.1710 acre tract bears South 02 degrees 05 minutes 05
8-69 seconds East, 2,495.34 feet (adjoiner called South 00 degrees 01

9-1 minute 07 seconds East, 2,495.62 feet);

9-2 Thence North 02 degrees 05 minutes 05 seconds West (called
9-3 North 00 degrees 01 minute 07 seconds West) along the west line of
9-4 the herein described tract, the west line of said called 1,277.0358
9-5 acre tract, and the west line of said Section 121, same being the
9-6 east line of said adjoining Fred Eule Survey, Abstract 373, as
9-7 located in Schlipf Road, 445.91 feet to a Mag nail set with shiner
9-8 for corner;

9-9 Thence North 87 degrees 53 minutes 06 seconds East, 25.00
9-10 feet to a 6-inch steel post found for corner, said point being the
9-11 southwest corner of an adjoining called 3.329 acre tract recorded
9-12 in Volume 1168, Page 008, Official Records, Waller County, Texas;

9-13 Thence North 56 degrees 14 minutes 23 seconds East (adjoiner
9-14 called North 58 degrees 15 minutes 22 seconds East) along the common
9-15 line of the herein described tract and said adjoining called 3.329
9-16 acre tract, 778.87 feet (adjoiner called 778.87 feet) to a 5/8 inch
9-17 iron rod with cap marked "Kalkomey Surveying" set for a reentry
9-18 corner to the herein described tract, same being the southeast
9-19 corner of said adjoining called 3.329 acre tract;

9-20 Thence North 02 degrees 45 minutes 16 seconds West (adjoiner
9-21 called North 00 degrees 10 minutes 26 seconds West) continuing
9-22 along said common line, 180.00 feet (adjoiner called 180.00 feet)
9-23 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found
9-24 for a reentry corner to the herein described tract, same being the
9-25 northeast corner of said adjoining called 3.329 acre tract;

9-26 Thence South 88 degrees 00 minutes 41 seconds West (adjoiner
9-27 called South 89 degrees 58 minutes 37 seconds West) continuing
9-28 along said common line, 271.83 feet (adjoiner called 273 .00 feet)
9-29 to a 1/2 inch iron pipe found for a reentry corner to the herein
9-30 described tract, same being the upper northwest corner of said
9-31 adjoining called 3.329 acre tract;

9-32 Thence South 02 degrees 18 minutes 47 seconds East (adjoiner
9-33 called South 00 degrees 10 minutes 26 seconds East) continuing
9-34 along said common line, 78.92 feet to a 1/2 inch iron pipe found for
9-35 corner, said point being the northeast corner of an adjoining
9-36 called 2.000 acre tract recorded under County Clerk's File Number
9-37 1505672, Official Records, Waller County, Texas;

9-38 Thence South 87 degrees 54 minutes 49 seconds West (adjoiner
9-39 called West) along an interior line of the herein described tract,
9-40 same being the north line of said adjoining called 2.000 acre tract,
9-41 at 389.97 feet pass a 1/2 inch iron pipe with cap marked "Kalkomey
9-42 Surveying" found on said line at its intersection with the apparent
9-43 occupied east right-of-way line of Schlipf Road, and continuing for
9-44 a total distance of 414.22 feet (adjoiner called 414 .05 feet) to a
9-45 Mag nail set with shiner for the upper southwest corner of the
9-46 herein described tract, same being the northwest corner of said
9-47 adjoining called 2.000 acre tract, said point being in the west line
9-48 of the aforementioned called 1,277.0358 acre tract and the west
9-49 line of the aforementioned Section 121, same being the east line of
9-50 the aforementioned adjoining Fred Eule Survey, Abstract 373;

9-51 Thence North 02 degrees 05 minutes 05 seconds West (called
9-52 North 00 degrees 01 minute 07 seconds West) along the west line of
9-53 the herein described tract, the west line of said called 1,277.0358
9-54 acre tract, and the west line of said Section 121, same being the
9-55 east line of said adjoining Fred Eule Survey, Abstract 373, as
9-56 located in Schlipf Road, 1,823.78 feet to the Place of Beginning and
9-57 containing 655.54 acres of land, more or less.

9-58 SECTION 3. (a) The legal notice of the intention to
9-59 introduce this Act, setting forth the general substance of this
9-60 Act, has been published as provided by law, and the notice and a
9-61 copy of this Act have been furnished to all persons, agencies,
9-62 officials, or entities to which they are required to be furnished
9-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-64 Government Code.

9-65 (b) The governor, one of the required recipients, has
9-66 submitted the notice and Act to the Texas Commission on
9-67 Environmental Quality.

9-68 (c) The Texas Commission on Environmental Quality has filed
9-69 its recommendations relating to this Act with the governor, the

10-1 lieutenant governor, and the speaker of the house of
10-2 representatives within the required time.

10-3 (d) All requirements of the constitution and laws of this
10-4 state and the rules and procedures of the legislature with respect
10-5 to the notice, introduction, and passage of this Act are fulfilled
10-6 and accomplished.

10-7 SECTION 4. (a) If this Act does not receive a two-thirds
10-8 vote of all the members elected to each house, Subchapter C, Chapter
10-9 8047, Special District Local Laws Code, as added by Section 1 of
10-10 this Act, is amended by adding Section 8047.0307 to read as follows:

10-11 Sec. 8047.0307. NO EMINENT DOMAIN POWER. The district may
10-12 not exercise the power of eminent domain.

10-13 (b) This section is not intended to be an expression of a
10-14 legislative interpretation of the requirements of Section 17(c),
10-15 Article I, Texas Constitution.

10-16 SECTION 5. This Act takes effect immediately if it receives
10-17 a vote of two-thirds of all the members elected to each house, as
10-18 provided by Section 39, Article III, Texas Constitution. If this
10-19 Act does not receive the vote necessary for immediate effect, this
10-20 Act takes effect September 1, 2019.

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