

CHAPTER 188

H.B. No. 1089

An Act relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 5.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district is created in

Fort Bend and Harris counties, Texas, to be known as Cinco Municipal Utility District No. 5, which shall be a governmental agency and a body politic and corporate.

(b) The creation of the district is declared to be essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means Cinco Municipal Utility District No. 5.

SECTION 3. BOUNDARIES. The district shall include all of the territory contained within the following described area: Being a tract of land containing 433.026 acres out of the Ira H. Evans Survey, A-1442, Harris County, Texas, and the Ira H. Evans Survey, A-547, the Washington Stevens Survey, A-323, the John Martin Survey, A-288, the I.&G.N.R.R Survey, A-270 and the R. W. Gardner Survey, A-186, Fort Bend County, Texas, and being out of a 5,345.123 acre tract of land designated Tract 1 in deed to Cinco Ranch Venture and recorded in Volume 1471, Page 60 of the Fort Bend County Official Records (F.B.C.O.R.) and under File Number J575297, Film Code 086-92-1332 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.), Harris County, Texas; said tract being more particularly described by metes and bounds as follows, with all bearings referenced to the Texas Coordinates System, South Central Zone. All distances and coordinates are surface based on the surface coordinates (X = 3,029,497.87, Y = 704,110.53) of N.G.S. tri-station monument "Cinco 1968":

BEGINNING at a concrete monument with aluminum cap stamped "BR 27-12" (X = 3,033,108.55, Y = 702,617.08) found on the westerly boundary line of Barker Reservoir in the said John Martin Survey and being in the proposed southeasterly right-of-way line of Fry Road (100 foot R.O.W.);

THENCE, South 22° 20' 30" West, 766.50 feet along said westerly boundary line to a concrete monument with aluminum cap stamped "BR 27-11" found for corner;

THENCE, South 33° 58' 30" East, 533.08 feet, continuing along said westerly boundary line of Barker Reservoir to a point in the centerline of Willow Fork of Buffalo Bayou;

THENCE, South 52° 15' 00" West, 454.15 feet along the centerline of said Willow Fork of Buffalo Bayou to a point;

THENCE, North 73° 18' 03" West, 104.40 feet along said Willow Fork centerline to a point;

THENCE, North 45° 35' 39" West, 477.32 feet along said centerline to a point;

THENCE, North 56° 00' 59" West, 1,298.85 feet along said centerline to a point;

THENCE, North 69° 39' 45" West, 552.44 feet along said centerline to a point;

THENCE, North 78° 17' 58" West, 345.17 feet along said centerline to a point;

THENCE, North 52° 14' 13" West, 228.64 feet along said centerline to the point of curvature of a tangent curve to the left;

THENCE, along the arc of said curve and said centerline (Radius = 239.64 feet, Central Angle = 39° 55' 07", Chord Bearing and Distance = North 72° 11' 46" West, 163.61 feet), 166.96 feet to the point of tangency, being a point in the proposed west right-of-way line of Mason Road (120 foot R.O.W.);

THENCE, South 87° 50' 40" West, 60.00 feet, continuing along said Willow Fork of Buffalo Bayou centerline to a point in the proposed centerline of Mason Road;

THENCE, North 02° 09' 20" West, 2,203.20 feet, departing said Willow Fork of Buffalo Bayou centerline and along the said proposed centerline of Mason Road to a 5/8-inch iron rod set for the point of curvature of a tangent curve to the right;

THENCE, along the arc of said curve and said proposed centerline of Mason Road (Radius = 2,000.00 feet, Central Angle = 15° 19' 08", Chord Bearing and Distance = North 05° 30' 14" East, 533.14 feet), 534.73 feet to a 5/8-inch iron rod set in the centerline of a proposed 100 foot wide east-west road;

THENCE, South 76° 50' 12" East, 350.87 feet, departing the proposed centerline of Mason Road and along the proposed centerline of said east-west road to a 5/8-inch iron rod set for the point of curvature of a tangent curve to the left;

THENCE, along the arc of said curve and said east-west road proposed centerline (Radius = 3,000.00 feet, Central Angle = 50° 06' 40", Chord Bearing and Distance = North 78° 06' 28" East, 2,540.98 feet), 2,623.81 feet to a 5/8-inch iron rod set for the point of tangency;

THENCE, North 53° 03' 08" East, 629.82 feet along said proposed centerline to a 5/8-inch iron rod set for the point of curvature of a tangent curve to the left;

THENCE, along the arc of said curve and said proposed centerline (Radius = 3,000.00 feet, Central Angle = 10° 25' 36", Chord Bearing and Distance = North 47° 50' 20" East, 545.18 feet), 545.94 feet to a 5/8-inch iron rod set for the point of tangency;

THENCE, North 42° 37' 32" East, 100.00 feet along said proposed centerline to a 5/8-inch iron rod set for the point of curvature of a tangent curve to the right;

THENCE, along the arc of said curve and said proposed centerline (Radius = 2,000.00 feet, Central Angle = 31° 22' 15", Chord Bearing and Distance = North 58° 18' 40" East, 1,081.42 feet), 1,095.05 feet to a 5/8-inch iron rod set for the point of compound curvature of a tangent curve to the right;

THENCE, along the arc of said curve and said proposed centerline (Radius = 3,000.00 feet, Central Angle = 17° 48' 24", Chord Bearing and Distance = North 82° 53' 59" East, 928.61 feet), 932.35 feet to a point in the westerly line of a Houston Lighting and Power Company 180 foot wide easement as recorded in Volume 4870, Page 344 of the Harris County Deed Records (H.C.D.R.);

THENCE, South 14° 29' 13" East, 1,815.87 feet along the westerly line of said 180 foot wide easement to a point in the proposed centerline of Fry Road, being a point in a curve to the left;

THENCE, along the arc of said curve and said proposed centerline of Fry Road (Radius = 2,000.00 feet, Central Angle = 28° 41' 15", Chord Bearing and Distance = South 43° 15' 05" West, 990.96 feet), 1,001.38 feet to a 5/8-inch iron rod set for the point of tangency;

THENCE, South 28° 54' 27" West, 100.00 feet along said proposed centerline to a 5/8-inch iron rod set for the point of curvature of a tangent curve to the left;

THENCE, along the arc of said curve and said proposed centerline (Radius = 2,000.00 feet, Central Angle = 38° 58' 32", Chord Bearing and Distance = South 48° 23' 43" West, 1,334.43 feet), 1,360.51 feet to a 5/8-inch iron rod set for the point of tangency;

THENCE, South 67° 53' 00" West, 100.00 feet along said proposed centerline to a 5/8-inch iron rod set for the point of curvature of a tangent curve to the left;

THENCE, along the arc of said curve and said proposed centerline (Radius = 2,000.00 feet, Central Angle = 45° 32' 30", Chord Bearing and Distance = South 45° 06' 45" West, 1,548.18 feet), 1,589.70 feet to a 5/8-inch iron rod set for the point of tangency;

THENCE, South 22° 20' 30" West, 118.03 feet along said proposed centerline to a 5/8-inch iron rod set for corner;

THENCE, South 09° 02' 30" East, 96.01 feet, departing said proposed centerline to the POINT OF BEGINNING, containing a computed area of 433.026 acres of land.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in the field notes or in copying the field notes in the legislative process, it in no way affects the organization, existence, and validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds, or the right of the district to levy and collect taxes, or in any other manner affects the legality or operation of the district or its governing body.

SECTION 5. FINDING OF BENEFIT. The legislature finds that all of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution and that the district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, including those conferred by Chapter 54, Water Code. If any provision of the general law is in conflict or inconsistent with this Act, this Act prevails.

(b) Any general law not in conflict or inconsistent with this Act is adopted and incorporated by reference.

(c) The rights, powers, privileges, authority, and functions granted to the district are subject to the continuing right of supervision of the State of Texas to be exercised by and through the Texas Department of Water Resources.

SECTION 7. CONSERVATION PROGRAM. The district shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

SECTION 8. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Except for the initial directors, each director shall be elected and shall serve for the term of office provided for directors under Chapter 54, Water Code, and until his successor is elected and has qualified.

(c) Each director shall qualify to serve as director in the manner provided by Chapter 54, Water Code.

(d) At the time this Act takes effect, the following persons shall constitute the initial board of directors of the district:

- (1) Larry R. Zook
- (2) Linda Winkelmann
- (3) Robert A. Mott
- (4) Beverly J. Griesse
- (5) David R. Ellison

(e) If any of the directors listed in Subsection (d) of this section fails to qualify for office, the remaining directors shall appoint someone to fill the vacancy for the unexpired term. If at any time the number of qualified directors is less than three because of the failure or refusal of one or more directors to qualify or serve, because of death or incapacitation, or for any other reason, the Texas Water Commission shall appoint the necessary number of directors to fill all vacancies on the board.

(f) The initial directors shall serve until permanent directors are elected as provided by Chapter 54, Water Code.

SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION. An election shall be called and held to confirm establishment of the district and to elect five permanent directors as provided by Chapter 54, Water Code.

SECTION 10. NOTICE AND CONSENT. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. The general law relating to consent by political subdivisions to the creation of conservation and reclamation districts and the inclusion of land in those districts has been complied with, and all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 11. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 18, 1985, by the following vote: Yeas 130, Nays 0, 1 present, not voting; House concurred in Senate amendments to H.B. No. 1089 on May 8, 1985, by the following vote: Yeas 143, Nays 0, 1 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 1089 was transmitted to the Governor on February 21, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on March 14, 1985; passed by the Senate, with amendments, on May 2, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 24, 1985

Effective: Immediately