



## Required Documentation of Eminent Domain Authority in Texas

**What action must be taken:** Per Senate Bill 18 enacted by the 82nd Legislature, all public and private entities authorized to exercise the power of eminent domain in Texas are **required to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. The letter must be sent by certified, return receipt mail not later than December 31, 2012.** (Per the bill, the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the letter has been submitted by the deadline.)

**About this form:** This form is designed to guide entities in submitting the required information on eminent domain authority. Once the fields have been completed, the form can be printed and mailed via certified, return receipt to the address provided to meet the requirements of the bill.

### Entity Information

- Full, legal name of entity: FORT BEND COUNTY DRAINAGE DISTRICT
- Alternate name of entity (if any): \_\_\_\_\_
- Primary address: Street or P.O. Box 1004 BLUME ROAD; P.O. BOX 1028  
City, State, Zip Code ROSENBERG, TEXAS 77471
- Primary phone number (with area code): 281-342-2863
- Entity contact: First name MARK Last name VOGLER  
Phone number (with area code): 281-342-2863 E-mail address: voglemar@co.fort-bend.tx.us
- Alternate contact: First name ROY Last name CORDES, Jr.  
Phone number (with area code): 281-341-4555 E-mail address: roy.cordes@co.fort-bend.tx.us

### Eminent Domain Authority

- Does your entity have eminent domain authority in Texas? ☒ Yes ☐ No
- If "yes" to question 7, please identify all of the applicable provisions of state law that grant eminent domain authority to this entity. Please cite as Title of Code or Article, Section Number/Name (for example, Texas Government Code, Section 43.136 or Article 7849, Auxiliary Water Laws).

PLEASE SEE ATTACHED "EXHIBIT A", INCORPORATED HEREIN FOR ALL PURPOSES.

- Please indicate the first year in which this entity exercised eminent domain authority (if known): \_\_\_\_\_

**DISCLAIMER:** Chapter 2206, Subchapter C, Government Code (as added by Senate Bill 18, 82nd Regular Session) requires the Comptroller of Public Account to collect information and report to the Legislature all entities in the state of Texas that have the authority to exercise the power of eminent domain. Entities that provide information to the Comptroller represent and warrant that the information is accurate and complete to the best of their knowledge. **Entities that provide information acknowledge that it is their responsibility to submit a letter by certified mail, return receipt requested to the Comptroller's office, indicating that the Entity is authorized to exercise eminent domain authority and to identify each law that grants such authority.** The Entity further acknowledges that the Comptroller's office is not responsible to submit said letter, nor is it responsible for the Entity's failure to submit said letter as required by law, and that such failure may cause the entity's power of eminent domain to expire on September 1, 2013. The Entity also acknowledges that the Comptroller of Public Accounts is a state agency subject to Chapter 552 of the Texas Gov't Code (the "Texas Public Information Act") and court interpretations thereof, and that the information submitted to this office may be subject to disclosure to the public under Section 552.101, et seq., of the Code.

Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or [sb18compliance@cpa.state.tx.us](mailto:sb18compliance@cpa.state.tx.us).

**Mail this form via certified mail to:**  
COMPTROLLER OF PUBLIC ACCOUNTS  
P.O. Box 13942  
Austin, Texas 78711

By signing, I agree that the information is true and correct.

sign  
here

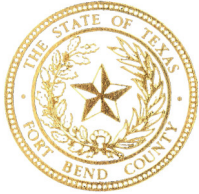
Signature

Robert E. Hebert, County Judge  
Print Name/Title

Date

11-13-2012

281-341-8608  
Phone (area code and number)



## COUNTY ATTORNEY

Fort Bend County, Texas

ROY L. CORDES, JR.  
County Attorney

(281) 341-4555  
Fax (281) 341-4557

November 19, 2012

Comptroller of Public Accounts  
P.O. Box 13942  
Austin, TX 78711

Certified Mail # 7011 3500 0000 3245 1727

Re: FORT BEND COUNTY DRAINAGE DISTRICT  
Required Documentation of Eminent Domain Authority in Texas  
Senate Bill 18

Dear Sir or Madam:

Enclosed for filing with the Comptroller and as required by Senate Bill 18, as codified at § 2206.101 of the Texas Government Code, is this, the Fort Bend County Drainage District's letter stating its authority to exercise powers of eminent domain. Fort Bend County Drainage District is an entity authorized by the state to exercise the power of eminent domain. This authority is claimed under the several statutory and code provisions identified in Exhibit A, as attached and incorporated herein and into the Comptroller's form entitled: "Required Documentation of Eminent Domain Authority in Texas."

If you have any questions or concerns regarding this required filing, please contact the undersigned or Mr. Mark Vogler at the address and telephone numbers included in this correspondence.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joe W. Cox", is written over a horizontal line.

Joe W. Cox  
Assistant County Attorney

Encl.



October 20, 2012

## **Fort Bend County Drainage District**

SB 18 Filing-Eminent Domain Authorities

### **REQUIRED DOCUMENTATION OF EMINENT DOMAIN AUTHORITY IN TEXAS**

Fort Bend County Drainage District is an entity authorized by the state to exercise the power of eminent domain.

Fort Bend County Drainage District is submitting this letter to the Texas Comptroller pursuant to § 2206.101 of the Texas Government Code. Fort Bend County Drainage District is authorized to exercise the power of eminent domain to the fullest extent provided by the statutes and codes of the State of Texas, as enacted by the legislature.

Pursuant to legislative mandate, Fort Bend County Drainage District submits this listing of constitutional and statutory provisions as its basis for its powers of eminent domain.

### **TEXAS CONSTITUTION**

Tex. Const. art I, § 17: Taking, Damaging, or Destroying Property for Public Use

Tex. Const. art III, § 52j: Legislative

Tex. Const. art XVI, § 59: Conservation and Development of Natural Resources; Conservation and Reclamation Districts

### **TEXAS SPECIAL DISTRICT LOCAL LAWS CODE**

Texas Special District Local Laws Code, Chapter 6604, Title 6, Fort Bend County Drainage District

TEX. SPEC. DIST. CODE ANN. § 6604.002 (Vernon 2012 Pamphlet): Nature of District

TEX. SPEC. DIST. CODE ANN. § 6604.051 (Vernon 2012 Pamphlet): Governing Body

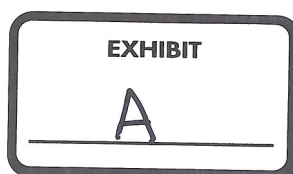
TEX. SPEC. DIST. CODE ANN. § 6604.101 (Vernon 2012 Pamphlet): General Powers

TEX. SPEC. DIST. CODE ANN. § 6604.102 (Vernon 2012 Pamphlet): Acquisition of Property; Eminent Domain

TEX. SPEC. DIST. CODE ANN. § 6604.103 (Vernon 2012 Pamphlet): Disposal or Lease of District Property

TEX. SPEC. DIST. CODE ANN. § 6604.104 (Vernon 2012 Pamphlet): General Reclamation and Drainage Powers

TEX. SPEC. DIST. CODE ANN. § 6604.105 (Vernon 2012 Pamphlet): Arrangements with United States



TEX. SPEC. DIST. CODE ANN. § 6604.106 (Vernon 2012 Pamphlet): Contracts and Cooperation with State and Political Subdivisions

TEX. SPEC. DIST. CODE ANN. § 6604.107 (Vernon 2012 Pamphlet): Construction on Public Land

## PROPERTY CODE

Texas Property Code-Chapter 21-Eminent Domain (Vernon 2004 & Vernon Supp. 2012)

## GOVERNMENT CODE

TEX. GOV'T CODE ANN. § 2267.062 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Public and Private Facilities and Infrastructure-Eminent Domain

TEX. GOV'T CODE ANN. § 2267.063 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Public and Private Facilities and Infrastructure-Affected Facility Owner

## LOCAL GOVERNMENT CODE

TEX. LOC. GOV'T CODE ANN. § 241.903 (Vernon 2005): County Acquisition of Air Rights or Other Property:

TEX. LOC. GOV'T CODE ANN. § 261.001 (Vernon Supp. 2012): County Right of Eminent Domain-Right of Eminent Domain:

TEX. LOC. GOV'T CODE ANN. § 261.002 (Vernon Supp. 2005): County Right of Eminent Domain-Right of Eminent Domain

TEX. LOC. GOV'T CODE ANN. § 261.003 (Vernon Supp. 2005): County Right of Eminent Domain-Right of Eminent Domain:

TEX. LOC. GOV'T CODE ANN. § 273.001 (Vernon 2005): Acquisition of Property for Public Purposes by Municipalities, Counties, and Other Local Governments-Exercise of Police Power

TEX. LOC. GOV'T CODE ANN. § 273.002 (Vernon Supp. 2012): Acquisition of Property for Public Purposes by Municipalities, Counties, and Other Local Governments -Condemnation

TEX. LOC. GOV'T CODE ANN. § 273.003 (Vernon 2005): Acquisition of Property for Public Purposes by Municipalities, Counties, and Other Local Governments-Necessary Alterations

TEX. LOC. GOV'T CODE ANN. § 561.001(Vernon Supp. 2012): Water Control by Counties-Flood Control Property: Condemnation

TEX. LOC. GOV'T CODE ANN. § 562.016 (Vernon Supp. 2012): County Water and Sewer System

## NATURAL RESOURCES CODE

TEX. NAT. RES. CODE ANN. § 183.057 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Protected Land; Notice of Taking

TEX. NAT. RES. CODE ANN. § 221.021a (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Actions to Establish or Maintain Wetland Mitigation Bank or Buffer Zone

## TRANSPORTATION CODE

TEX. TRANSP. CODE ANN. § 224.003 (Vernon 2011): Acquisition by Commissioners Court

TEX. TRANSP. CODE ANN. § 254.005 (Vernon 1999): Drainage on Public Roads-Authority to Provide Drainage

TEX. TRANSP. CODE ANN. § 284.061 (Vernon Supp. 2012): Acquisition of Property

## WATER CODE

TEX. WATER CODE ANN. § 11.033 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Water Rights-Eminent Domain

TEX. WATER CODE ANN. § 49.066 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Suits

TEX. WATER CODE ANN. § 49.222 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Eminent Domain

TEX. WATER CODE ANN. § 49.224 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Power to Condemn Cemeteries