

1-1 By: Jackson S.B. No. 18
1-2 (In the Senate - Filed April 14, 2003; April 15, 2003, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 28, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 28, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 18 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation and authority of the Baybrook Management
1-11 District; providing authority to impose taxes and issue bonds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. CREATION OF DISTRICT. (a) The Baybrook
1-14 Management District is a special district created under Section 59,
1-15 Article XVI, Texas Constitution.

1-16 (b) The board by resolution may change the name of the
1-17 district.

1-18 SECTION 2. DEFINITIONS. In this Act:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "District" means the Baybrook Management
1-22 District.

1-23 SECTION 3. DECLARATION OF INTENT. (a) The creation of the
1-24 district is essential to accomplish the purposes of Sections 52 and
1-25 52-a, Article III, and Section 59, Article XVI, Texas Constitution,
1-26 and other public purposes stated in this Act.

1-27 (b) The creation of the district is necessary to promote,
1-28 develop, encourage, and maintain employment, commerce,
1-29 transportation, housing, tourism, recreation, the arts,
1-30 entertainment, economic development, safety, and the public
1-31 welfare in the area of the district.

1-32 (c) The creation of the district and this legislation may
1-33 not be interpreted to relieve Harris County or the City of Houston
1-34 from providing the level of services provided, as of the effective
1-35 date of this Act, to the area in the district. The district is
1-36 created to supplement and not to supplant the county or city
1-37 services provided in the area in the district.

1-38 (d) By creating the district and in authorizing the City of
1-39 Houston, Harris County, and other political subdivisions to
1-40 contract with the district, the legislature has established a
1-41 program to accomplish the public purposes set out in Section 52-a,
1-42 Article III, Texas Constitution.

1-43 SECTION 4. BOUNDARIES. The district includes all the
1-44 territory contained in the following described area:

1-45 TRACT "B"

1-46 Being 620.202 acres of land, more or less, out of the August
1-47 Whitlock Survey, A-793, the Robert Wilson League, A-88, and the
1-48 Thomas Choate League, A-12, Harris County, Texas, and being more
1-49 particularly described by metes and bounds as follows:

1-50 BEGINNING at a point marked by a 1 inch galvanized iron pipe
1-51 at the intersection of the Southerly right-of-way line of Bay Area
1-52 Boulevard, 100 feet wide, with the West line of the August Whitlock
1-53 Survey, A-793, same being the East line of the Thomas Choate League,
1-54 A-12;

1-55 THENCE in an Easterly direction, along the Southerly
1-56 right-of-way line of Bay Area Boulevard, with a curve to the right
1-57 whose radius is 1950.00 feet and central angle is 3° 03' 28", a
1-58 distance of 104.07 feet to a 1 inch galvanized iron pipe at a point
1-59 of tangent;

1-60 THENCE North 77° 51' 10" East, continuing along the Southerly
1-61 right-of-way line of Bay Area Boulevard, a distance of 2905.63 feet
1-62 to a 1 inch galvanized iron pipe at a point for corner;

1-63 THENCE South 12° 08' 50" East, a distance of 23.00 feet to a

2-1 1 inch galvanized iron pipe at a point for re-entrant corner on the
2-2 Southerly right-of-way line of Bay Area Boulevard, as widened;
2-3 THENCE in an Easterly direction, along the Southerly
2-4 right-of-way line of Bay Area Boulevard, variable width, with a
2-5 curve to the left whose radius is 1505.69 feet, central angle is 13°
2-6 43' 34" and whose chord bears North 70° 59' 23" East, a distance,
2-7 measured along the arc of said curve, of 360.71 feet to a 1 inch
2-8 galvanized iron pipe at a point for the end of said curve;
2-9 THENCE North 77° 51' 10" East, continuing along the Southerly
2-10 right-of-way line of Bay Area Boulevard, a distance of 108.87 feet
2-11 to a 1 inch galvanized iron pipe at a point for corner on the
2-12 Westerly right-of-way line of the Bay Area Boulevard, Gulf Freeway
2-13 (U.S. 75/I.H. 45) interchange, same being on a Webster City Limit
2-14 line;
2-15 THENCE in a Southeasterly direction, along the Southwesterly
2-16 right-of-way line of the Bay Area Boulevard-Gulf Freeway
2-17 interchange, same being a Webster City Limit line with a curve to
2-18 the left whose radius is 495.59 feet, central angle is 45° 57' 02",
2-19 and whose chord bears South 66° 18' 41" East, a distance measured
2-20 along the arc of said curve, of 397.46 feet to a 5/8 inch iron rod
2-21 that marks a point for corner, said point being a re-entrant corner
2-22 for the Webster City Limits;
2-23 THENCE in a Southerly and Southeasterly direction, along a
2-24 West and Southwest line of the Webster City Limits, with a curve to
2-25 the left whose radius is 2640.00 feet, central angle is 76° 39' 46",
2-26 and whose chord bears South 2° 47' 37" East, a distance, measured
2-27 along the arc of said curve, of 3532.37 feet to a 5/8 inch iron rod
2-28 at a point for the end of said curve, said point being on a
2-29 Northeasterly line of the original Tract "B" of said Baybrook
2-30 Municipal Utility District No. 1;
2-31 THENCE South 41° 07' 30" East, continuing along a Southwest
2-32 line of the Webster City Limits, a distance of 661.60 feet to a
2-33 point for corner;
2-34 THENCE South 48° 49' 15" West, a distance of 1332.92 feet to
2-35 appoint for re-entrant corner;
2-36 THENCE South 41° 11' 50" East, a distance of 660.00 feet to a
2-37 3/4 inch iron pipe at a point for corner;
2-38 THENCE 48° 41' 45" West, a distance of 39.86 feet to a point on
2-39 the Northerly right-of-way line of State Highway F.M. 528, 100 feet
2-40 wide;
2-41 THENCE South 81° 12' 45" West, along the Northerly
2-42 right-of-way line of State Highway F.M. 528, a distance of 3499.60
2-43 feet to a point for corner on the West line of the August Whitlock
2-44 Survey, A-793, same being the East line of the Thomas Choate League,
2-45 A-12;
2-46 THENCE North 3° 11' 50" West, along the common line between
2-47 the August Whitlock Survey, A-793 and the Thomas Choate League,
2-48 A-12, a distance of 2661.94 feet to an angle point;
2-49 THENCE North 48° 21' 30" West, a distance of 2046.25 feet to a
2-50 point for corner on the Southeasterly right-of-way line of Bay Area
2-51 Boulevard, 100 feet wide;
2-52 THENCE North 41° 37' 10" East, along the Southeasterly
2-53 right-of-way line of Bay Area Boulevard, a distance of 6.71 feet to
2-54 a point for re-entrant corner;
2-55 THENCE North 48° 26' 45" West, a distance of 2685.00 feet to a
2-56 1 inch galvanized iron pipe at a point for corner on the Southeast
2-57 right-of-way line of Webster Ranch Road;
2-58 THENCE North 41° 37' 10" East, along the Southeast
2-59 right-of-way line of Webster Ranch Road, a distance of 1290.19 feet
2-60 to a 1 inch galvanized iron pipe at a point for corner on the
2-61 Southwest right-of-way line of the 60 foot Beamer Road
2-62 right-of-way;
2-63 THENCE North 45° 18' 00" West along the southwest right-of-way
2-64 of Beamer Road, a distance of 1,756.94 feet to a corner;
2-65 THENCE North 44° 42' 00" East, to the northeast right-of-way
2-66 of Beamer Road to a capped 5/8" iron rod;
2-67 THENCE North 44° 42' 00" East, a distance of 1,769.79 feet to a
2-68 1 inch galvanized iron pipe at a point for corner;
2-69 THENCE North 57° 15' 00" East, a distance of 10.00 feet to a

3-1 1 inch galvanized iron pipe at a point for corner;

3-2 THENCE South 64° 35' 56" East, a distance of 2729.95 feet to a

3-3 1 inch galvanized iron pipe at a point for corner on the West line

3-4 of the August Whitlock Survey, A-794, same being the East line of

3-5 the Thomas Choate League, A-12, same being on a Westerly City of

3-6 Houston City Limit line;

3-7 THENCE South 3° 11' 50" East, along the East line of the Thomas

3-8 Choate League, A-12 and the West line of the August Whitlock Survey,

3-9 A-794, and the August Whitlock Survey, A-793, same being a Westerly

3-10 City of Houston City Limit line, a distance of 2214.95 feet to a

3-11 point for corner;

3-12 THENCE North 3° 11' 50" West along the east line of the Thomas

3-13 Choate League, A-12 and the west line of the August Whitlock Survey,

3-14 A-797, same being a westerly City of Houston City Limit Line, to a

3-15 point for corner on the Southwesterly right-of-way of the Gulf

3-16 Freeway, variable width;

3-17 THENCE in a Southeasterly direction, following the

3-18 Southwesterly right-of-way line of the Gulf Freeway, variable

3-19 width, to a 1 inch galvanized iron pipe to a point for corner on the

3-20 Southerly right-of-way line of Bay Area Boulevard, Gulf Freeway

3-21 interchange, same being a re-entrant corner for the Webster City

3-22 Limits;

3-23 THENCE South 28° 03' 42" East, a distance of 592.73 feet to a

3-24 1-1/2 inch iron pipe at a point for re-entrant corner on the West

3-25 line of the August Whitlock Survey, A-793, same being the East line

3-26 of the Thomas Choate League, A-12;

3-27 THENCE North 3° 11' 50" West, along the common line between

3-28 the Thomas Choate League, A-12 and the August Whitlock Survey,

3-29 A-793, a distance of 608.39 feet to the POINT OF BEGINNING and

3-30 containing 620.922 acres of land, more or less.

3-31 SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

3-32 Being 0.720 acres of land, more or less, out of the August Whitlock

3-33 Survey, A-793, Harris County, Texas, and being that certain tract

3-34 of land conveyed to Harris County Municipal Utility District

3-35 No. 142 for Water Plant Site by deed filed under Harris County

3-36 County Clerk File No. E-967682 of the Official Public Records of

3-37 Real Property of Harris County, Texas, said 0.720 acre tract being

3-38 more particularly described by metes and bounds as follows:

3-39 COMMENCING at a point marked by a 5/8 inch iron rod on the

3-40 Southerly right-of-way line of Bay Area Boulevard, 100 feet wide,

3-41 said point being a Northeast corner of the original Tract "B" of

3-42 Baybrook Municipal Utility District No. 1 and a Northwest corner of

3-43 the 25.801 acre annexed tract;

3-44 THENCE South 12° 08' 50" East, a distance of 884.81 feet to a

3-45 point;

3-46 THENCE South 77° 51' 10" West, a distance of 40.00 feet to the

3-47 POINT OF BEGINNING, said point being the Northeast corner of said

3-48 0.720 acre tract;

3-49 THENCE South 12° 08' 50" East, along the East line of said

3-50 0.720 acre tract, a distance of 110.00 feet to the Southeast corner

3-51 of said 0.720 acre tract;

3-52 THENCE South 77° 51' 10" West, along the South line of said

3-53 0.720 acre tract, a distance of 285.00 feet to the Southwest corner

3-54 of said 0.720 acre tract;

3-55 THENCE North 12° 08' 50" West, along the West line of said

3-56 0.720 acre tract, a distance of 110.00 feet to the Northwest corner

3-57 of said 0.720 acre tract;

3-58 THENCE North 77° 51' 10" East, along the North line of said

3-59 0.720 acre tract, a distance of 285.00 feet to the POINT OF

3-60 BEGINNING and containing 0.720 acres of land, more or less.

3-61 TRACT "C"

3-62 Being 170.979 acres of land, more or less, in the August Whitlock

3-63 Survey, A-793, and the August Whitlock Survey, Harris County, Texas

3-64 and being more particularly described by metes and bounds as

3-65 follows:

3-66 BEGINNING at a point marked by a 1 inch galvanized iron pipe

3-67 on the Southeast right-of-way line of El Dorado Boulevard, 100 feet

3-68 wide, said point being the North end of a transition right-of-way

3-69 line between the Southeast right-of-way line of El Dorado Boulevard

4-1 and the Northeast right-of-way line of El Dorado Boulevard-Gulf
4-2 Freeway (U.S. 75/I.H. 45) interchange;

4-3 THENCE in a Northeasterly direction, along the Southeast
4-4 right-of-way line of said El Dorado Boulevard with a curve to the
4-5 right whose radius is 1550.00 feet, central angle is 16° 41' 14" and
4-6 whose chord bears North 56° 33' 47" East, a distance, measured along
4-7 the arch of said curve, of 451.43 feet to a point of reverse curve
4-8 marked by a 1 inch galvanized iron pipe;

4-9 THENCE in a Northeasterly direction, continuing along the
4-10 Southeast right-of-way line of El Dorado Boulevard with a curve to
4-11 the left whose radius is 1650.00 feet, central angle is 9° 06' 15"
4-12 and whose chord bears North 60° 21' 17" East, a distance, measured
4-13 along the arc of said curve, of 262.18 feet to a point for corner
4-14 marked by a 1 inch galvanized iron pipe on the Southwest
4-15 right-of-way line of a Houston Lighting & Power Company, 50 foot
4-16 Easement as described in deed recorded in Volume 2506, Page 424 of
4-17 the Deed Records of Harris County, Texas, same being the Northeast
4-18 right-of-way line of a Houston Lighting Power Company 50 foot
4-19 Easement as described in deed recorded in Volume 2942, Page 204 of
4-20 the Deed Records of Harris County, Texas;

4-21 THENCE South 42° 29' 40" East, along the common line between
4-22 the two said Houston Lighting & Power Company 50 foot Easements, a
4-23 distance of 5432.32 feet to a point for corner marked by a 5/8 inch
4-24 iron rod on the West line of the City of Webster City Limit line,
4-25 same being the East line of the August Whitlock Survey, A-793 and
4-26 further being the West line of the Robert Wilson League, A-88;

4-27 THENCE South 23° 18' 41" West, along the West line of the City
4-28 of Webster City Limit line, same being the East line of the August
4-29 Whitlock Survey, A-793 and further being the West line of the Robert
4-30 Wilson League, A-88, a distance of 920.47 feet to a point for corner
4-31 marked by a 5/8 inch iron rod on the North right-of-way line of Bay
4-32 Area Boulevard-Gulf Freeway interchange;

4-33 THENCE in a Westerly direction, along the North right-of-way
4-34 line of Bay Area Boulevard-Gulf Freeway interchange with a curve to
4-35 the left whose radius is 497.68 feet, central angle is 36° 59' 57"
4-36 and whose chord bears North 87° 34' 52" West, a distance, measured
4-37 along the arc of said curve, of 321.38 feet to a point of tangent
4-38 marked by a 1 inch galvanized iron pipe;

4-39 THENCE South 73° 55' 10" West, continuing along the North
4-40 right-of-way line of Bay Area Boulevard-Gulf Freeway interchange, a
4-41 distance of 138.15 feet to a point of tangent marked by a 5/8 inch
4-42 iron rod;

4-43 THENCE in a Westerly direction, continuing along the North
4-44 right-of-way line of Bay Area Boulevard-Gulf Freeway interchange
4-45 with a curve to the right whose radius is 362.04 feet and central
4-46 angle is 64° 18' 00", a distance of 406.30 feet to a point of tangent
4-47 marked by a 1 inch galvanized iron pipe on the Northeast
4-48 right-of-way line of Gulf Freeway, 300 feet wide;

4-49 THENCE North 41° 46' 50" West, along the Northeast
4-50 right-of-way line of Gulf Freeway, a distance of 4479.65 feet to a
4-51 point of curve marked by a 1 inch galvanized iron pipe, said point
4-52 being the Southeast end of El Dorado Boulevard-Gulf Freeway
4-53 interchange;

4-54 THENCE in a Northeasterly direction, along the East
4-55 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange
4-56 with a curve to the right whose radius is 362.04 feet and central
4-57 angle is 65° 00' 00", a distance of 410.72 feet to a point of tangent
4-58 marked by a 5/8 inch iron rod;

4-59 THENCE North 23° 13' 10" East, continuing along the East
4-60 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,
4-61 a distance of 131.97 feet to a point of curve marked by a 5/8 inch
4-62 iron rod;

4-63 THENCE in a Northerly direction, continuing along the East
4-64 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange
4-65 with a curve to the left whose radius is 497.68 feet and central
4-66 angle is 65° 00' 00", a distance of 564.60 feet to a point of tangent
4-67 marked by a 1 inch galvanized iron pipe;

4-68 THENCE North 41° 56' 50" West, along the Northeast
4-69 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,

5-1 a distance of 4.97 feet to an angle point marked by a 5/8 inch iron
 5-2 rod, said point being the South end of a transition right-of-way
 5-3 line between the Southeast right-of-way line of El Dorado Boulevard
 5-4 and the Northeast right-of-way line of El Dorado Boulevard-Gulf
 5-5 Freeway interchange;

5-6 THENCE North 18° 40' 20" West, along said transition
 5-7 right-of-way line, a distance of 15.26 feet to the POINT OF
 5-8 BEGINNING and containing 170.979 acres of land, more or less.

5-9 TRACT "D"

5-10 Being 33.377 acres of land, more or less, in the August Whitlock
 5-11 Survey, A-794 and the August Whitlock Survey, A-797, Harris County,
 5-12 Texas and being more particularly described by metes and bounds as
 5-13 follows:

5-14 BEGINNING at a point marked by a 5/8 inch iron rod on the
 5-15 Northwest right-of-way line of El Dorado Boulevard, 100 feet wide,
 5-16 said point being the East end of a transition right-of-way line
 5-17 between the Northwest right-of-way line of El Dorado Boulevard and
 5-18 the Northeast right-of-way line of El Dorado Boulevard-Gulf
 5-19 Freeway (U.S. 75/I.H. 45) interchange;

5-20 THENCE North 64° 53' 20" West, along said transition
 5-21 right-of-way line, a distance of 15.26 feet to an angle point marked
 5-22 by a 1 inch galvanized iron pipe on the Northeast right-of-way line
 5-23 of El Dorado Boulevard-Gulf Freeway interchange;

5-24 THENCE North 41° 46' 50" West, along the Northeast
 5-25 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,
 5-26 a distance of 4.97 feet to a point of curve marked by a 1 inch
 5-27 galvanized iron pipe.

5-28 THENCE in a Westerly direction, along the North right-of-way
 5-29 line of El Dorado Boulevard-Gulf Freeway interchange with a curve
 5-30 to the left whose radius is 497.68 feet and central angle is 65° 00'
 5-31 00", a distance of 564.60 feet to a point of tangent marked by a 1
 5-32 inch galvanized iron pipe;

5-33 THENCE South 73° 13' 10" West, continuing along the North
 5-34 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange,
 5-35 a distance of 131.97 feet to a point of curve marked by a 1 inch
 5-36 galvanized iron pipe;

5-37 THENCE in a Westerly direction, continuing along the North
 5-38 right-of-way line of El Dorado Boulevard-Gulf Freeway interchange
 5-39 with a curve to the right whose radius is 362.04 feet and central
 5-40 angle is 1° 24' 42", a distance of 8.92 feet to a point for corner
 5-41 marked by a 5/8 inch iron rod on the Northeast line of the City of
 5-42 Houston City Limit line;

5-43 THENCE North 41° 46' 50" West, along the City of Houston City
 5-44 Limit line, a distance of 208.54 feet to a point for corner marked
 5-45 by a 5/8 inch iron rod on the West line of the August Whitlock
 5-46 Survey, A-794, same being the East line of the Thomas Choate League,
 5-47 A-12;

5-48 THENCE North 3° 11' 50" West, along the East line of the City
 5-49 of Houston City Limit line, same being the West line of the August
 5-50 Whitlock Survey, A-794, further being the East line of the Thomas
 5-51 Choate League, A-12, and continuing with the West line of the August
 5-52 Whitlock Survey, A-797, a distance of 1752.72 feet to a point for
 5-53 corner marked by a 3/4 inch iron pipe on the Southwest right-of-way
 5-54 line of a Houston Lighting & Power Company 50 foot Easement as
 5-55 described in deed recorded in Volume 2506, Page 424 of the Deed
 5-56 Records of Harris County, Texas, same being the Northeast
 5-57 right-of-way line of Houston Lighting & Power Company 50 foot
 5-58 Easement as described in deed recorded in Volume 2942, Page 204 of
 5-59 the Deed Records of Harris County, Texas;

5-60 THENCE South 42° 29' 40" East, along the common line between
 5-61 the two said Houston Lighting & Power Company 50 foot Easements, a
 5-62 distance of 2227.72 feet to a point for corner marked by a 5/8 inch
 5-63 iron rod on the Northwest right-of-way line of El Dorado Boulevard;

5-64 THENCE in Southwesterly direction, along the Northwest
 5-65 right-of-way line of El Dorado Boulevard with a curve to the right
 5-66 whose radius is 1550.00 feet, central angle is 8° 33' 53" and whose
 5-67 chord bears South 60° 37' 28" West, a distance, measured along the
 5-68 arc of said curve of 231.70 feet to a point of reverse curve marked
 5-69 by a 1 inch galvanized iron pipe;

6-1 THENCE in a Southwesterly direction, continuing along the
6-2 Northwest right-of-way line of El Dorado Boulevard with a curve to
6-3 the left whose radius is 1650.00 feet, central angle is 16° 41' 14"
6-4 and whose chord bears South 56° 33' 47" West, a distance, measured
6-5 along the arc of said curve, of 480.56 feet to the POINT OF
6-6 BEGINNING and containing 33.377 acres of land, more or less.

6-7 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The boundaries
6-8 and field notes of the district form a closure. If a mistake is made
6-9 in the field notes or in copying the field notes in the legislative
6-10 process, the mistake does not in any way affect the district's:

- 6-11 (1) organization, existence, or validity;
6-12 (2) right to issue any type of bond for a purpose for
6-13 which the district is created or to pay the principal of and
6-14 interest on a bond;
6-15 (3) right to impose or collect an assessment or tax; or
6-16 (4) legality or operation.

6-17 SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.
6-18 (a) The district is created to serve a public use and benefit. All
6-19 the land and other property included in the district will be
6-20 benefited by the improvements and services to be provided by the
6-21 district under powers conferred by Sections 52 and 52-a, Article
6-22 III, and Section 59, Article XVI, Texas Constitution, and other
6-23 powers granted under this Act.

6-24 (b) The creation of the district is in the public interest
6-25 and is essential to:

- 6-26 (1) further the public purposes of development and
6-27 diversification of the economy of the state; and
6-28 (2) eliminate unemployment and underemployment and
6-29 develop or expand transportation and commerce.

6-30 (c) The district will:

- 6-31 (1) promote the health, safety, and general welfare of
6-32 residents, employers, employees, visitors, and consumers in the
6-33 district and the general public;
6-34 (2) provide needed funding to preserve, maintain, and
6-35 enhance the economic health and vitality of the district as a
6-36 community and business center; and
6-37 (3) further promote the health, safety, welfare, and
6-38 enjoyment of the public by providing pedestrian ways and by
6-39 landscaping and developing certain areas in the district, which are
6-40 necessary for the restoration, preservation, and enhancement of
6-41 scenic beauty.

6-42 (d) Pedestrian ways along or across a street, whether at
6-43 grade or above or below the surface, and street lighting, street
6-44 landscaping, and street art objects are parts of and necessary
6-45 components of a street and are considered to be a street or road
6-46 improvement.

6-47 (e) The district will not act as the agent or
6-48 instrumentality of any private interest even though many private
6-49 interests, as well as the general public, will be benefited by the
6-50 district.

6-51 SECTION 7. APPLICATION OF OTHER LAW. (a) Except as
6-52 otherwise provided by this Act, Chapter 375, Local Government Code,
6-53 applies to the district.

6-54 (b) Chapter 311, Government Code, applies to this Act.

6-55 SECTION 8. CONSTRUCTION OF ACT. This Act shall be liberally
6-56 construed in conformity with the findings and purposes stated in
6-57 this Act.

6-58 SECTION 9. BOARD OF DIRECTORS IN GENERAL. (a) Except as
6-59 provided by Subsection (c), the district is governed by a board of
6-60 five voting directors appointed under Section 10 and five nonvoting
6-61 directors as provided by Section 11.

6-62 (b) Voting directors serve staggered terms of four years,
6-63 with three directors' terms expiring June 1 of an odd-numbered year
6-64 and two directors' terms expiring June 1 of the following
6-65 odd-numbered year.

6-66 (c) The board may increase or decrease the number of
6-67 directors on the board by resolution provided that it is in the best
6-68 interest of the district to do so and that the board consists of not
6-69 fewer than five and not more than 15 directors.

7-1 SECTION 10. APPOINTMENT OF DIRECTORS. The mayor and
7-2 members of the governing body of the City of Houston shall appoint
7-3 voting directors from persons recommended by the board. A person is
7-4 appointed if a majority of the directors and the mayor vote to
7-5 appoint that person.

7-6 SECTION 11. NONVOTING DIRECTORS. (a) The following
7-7 persons shall serve as nonvoting directors:

7-8 (1) the directors of the following departments of the
7-9 City of Houston or their designees:

- 7-10 (A) parks and recreation;
- 7-11 (B) planning and development;
- 7-12 (C) public works; and
- 7-13 (D) civic center; and

7-14 (2) the City of Houston's chief of police.

7-15 (b) If an agency, department, or division described by
7-16 Subsection (a) is consolidated, renamed, or changed, the board may
7-17 appoint a director of the consolidated, renamed, or changed agency,
7-18 department, or division as a nonvoting director. If an agency,
7-19 department, or division described by Subsection (a) is abolished,
7-20 the board may appoint a representative of another agency,
7-21 department, or division that performs duties comparable to those
7-22 performed by the abolished entity.

7-23 (c) Nonvoting directors are not counted for the purposes of
7-24 establishing a quorum of the board.

7-25 SECTION 12. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

7-26 (a) Except as provided by this section:

7-27 (1) a director may participate in all board votes and
7-28 decisions; and

7-29 (2) Chapter 171, Local Government Code, governs
7-30 conflicts of interest for directors.

7-31 (b) Section 171.004, Local Government Code, does not apply
7-32 to the district. A director who has a substantial interest in a
7-33 business or charitable entity that will receive a pecuniary benefit
7-34 from a board action shall file a one-time affidavit declaring the
7-35 interest. An additional affidavit is not required if the
7-36 director's interest changes. After the affidavit is filed with the
7-37 board secretary, the director may participate in a discussion or
7-38 vote on that action if:

7-39 (1) a majority of the directors have a similar
7-40 interest in the same entity; or

7-41 (2) all other similar business or charitable entities
7-42 in the district will receive a similar pecuniary benefit.

7-43 (c) A director who is also an officer or employee of a public
7-44 entity may not participate in the discussion of or vote on a matter
7-45 regarding a contract with that public entity.

7-46 (d) For purposes of this section, a director has a
7-47 substantial interest in a charitable entity in the same manner that
7-48 a person would have a substantial interest in a business entity
7-49 under Section 171.002, Local Government Code.

7-50 SECTION 13. ADDITIONAL POWERS OF DISTRICT. The district
7-51 may exercise the powers given to:

7-52 (1) a corporation under Section 4B, Development
7-53 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
7-54 Statutes), including the power to own, operate, acquire, construct,
7-55 lease, improve, and maintain projects described by that section;
7-56 and

7-57 (2) a housing finance corporation under Chapter 394,
7-58 Local Government Code, to provide housing or residential
7-59 development projects in the district.

7-60 SECTION 14. AGREEMENTS; GRANTS. (a) The district may make
7-61 an agreement with or accept a gift, grant, or loan from any person.

7-62 (b) The implementation of a project is a governmental
7-63 function or service for the purposes of Chapter 791, Government
7-64 Code.

7-65 SECTION 15. LAW ENFORCEMENT SERVICES. To protect the
7-66 public interest, the district may contract with Harris County or
7-67 the City of Houston to provide law enforcement services in the
7-68 district for a fee.

7-69 SECTION 16. NONPROFIT CORPORATION. (a) The board by

8-1 resolution may authorize the creation of a nonprofit corporation to
 8-2 assist and act on behalf of the district in implementing a project
 8-3 or providing a service authorized by this Act.

8-4 (b) The board shall appoint the board of directors of a
 8-5 nonprofit corporation created under this section. The board of
 8-6 directors of the nonprofit corporation shall serve in the same
 8-7 manner as the board of directors of a local government corporation
 8-8 created under Chapter 431, Transportation Code.

8-9 (c) A nonprofit corporation created under this section has
 8-10 the powers of and is considered for purposes of this Act to be a
 8-11 local government corporation created under Chapter 431,
 8-12 Transportation Code.

8-13 (d) A nonprofit corporation created under this section may
 8-14 implement any project and provide any service authorized by this
 8-15 Act.

8-16 SECTION 17. REQUIREMENTS FOR FINANCING SERVICES AND
 8-17 IMPROVEMENTS. The board may not finance a service or improvement
 8-18 project with assessments under this Act unless a written petition
 8-19 requesting that improvement or service has been filed with the
 8-20 board. The petition must be signed by:

8-21 (1) the owners of a majority of the assessed value of
 8-22 real property in the district subject to assessment as determined
 8-23 by the most recent certified tax appraisal roll for Harris County;
 8-24 or

8-25 (2) at least 25 persons who own real property in the
 8-26 district, if more than 25 persons own real property in the district
 8-27 as determined by the most recent certified tax appraisal roll for
 8-28 Harris County.

8-29 SECTION 18. ELECTIONS. (a) The district shall hold an
 8-30 election in the manner provided by Subchapter L, Chapter 375, Local
 8-31 Government Code, to obtain voter approval before the district
 8-32 imposes a maintenance tax or issues bonds payable from ad valorem
 8-33 taxes.

8-34 (b) The board may include more than one purpose in a single
 8-35 proposition at an election.

8-36 (c) Section 375.243, Local Government Code, does not apply
 8-37 to the district.

8-38 SECTION 19. MAINTENANCE TAX. (a) If authorized at an
 8-39 election held in accordance with Section 18, the district may
 8-40 impose an annual ad valorem tax on taxable property in the district
 8-41 for the maintenance and operation of the district and the
 8-42 improvements constructed or acquired by the district or for the
 8-43 provision of services.

8-44 (b) The board shall determine the tax rate.

8-45 SECTION 20. ASSESSMENTS. (a) The board by resolution may
 8-46 impose and collect an assessment for any purpose authorized by this
 8-47 Act.

8-48 (b) Assessments, including assessments resulting from an
 8-49 addition to or correction of the assessment roll by the district,
 8-50 reassessments, penalties and interest on an assessment or
 8-51 reassessment, expenses of collection, and reasonable attorney's
 8-52 fees incurred by the district:

8-53 (1) are a first and prior lien against the property
 8-54 assessed;

8-55 (2) are superior to any other lien or claim other than
 8-56 a lien or claim for county, school district, or municipal ad valorem
 8-57 taxes; and

8-58 (3) are the personal liability of and charge against
 8-59 the owners of the property even if the owners are not named in the
 8-60 assessment proceedings.

8-61 (c) The lien is effective from the date of the resolution of
 8-62 the board imposing the assessment until the date the assessment is
 8-63 paid. The board may enforce the lien in the same manner that the
 8-64 board may enforce an ad valorem tax lien against real property.

8-65 (d) Without necessity of notice and hearing in the manner
 8-66 required for additional assessments, the board may make corrections
 8-67 to or deletions from the assessment roll provided that such
 8-68 corrections or deletions do not increase the amount of assessment
 8-69 of any parcel of land.

9-1 SECTION 21. UTILITIES. The district may not impose an
9-2 impact fee or assessment on the property, equipment, rights of way,
9-3 facilities, or improvements of an electric utility or a power
9-4 generation company as defined by Section 31.002, Utilities Code, a
9-5 gas utility as defined by Section 101.003 or 121.001, Utilities
9-6 Code, a telecommunications provider as defined by Section 51.002,
9-7 Utilities Code, or of a person that provides to the public cable
9-8 television or advanced telecommunications services. If the
9-9 district, in the exercise of the powers conferred on it by this Act,
9-10 requires or requests the relocation, rerouting, or removal of
9-11 electric, gas, water, sewer, communications, or other public
9-12 utilities, as defined by Sections 31.002, 101.003, 121.001, or
9-13 51.002, Utilities Code, the relocation, rerouting, or removal shall
9-14 be at the sole expense of the district.

9-15 SECTION 22. BONDS. (a) The district may issue bonds or
9-16 other obligations payable in whole or in part from ad valorem taxes,
9-17 assessments, impact fees, revenue, grants, or other money of the
9-18 district, or any combination of those sources of money, to pay for
9-19 any authorized purpose of the district.

9-20 (b) In exercising the district's borrowing power, the
9-21 district may issue a bond or other obligation in the form of a bond,
9-22 note, certificate of participation or other instrument evidencing a
9-23 proportionate interest in payments to be made by the district, or
9-24 other type of obligation.

9-25 SECTION 23. MUNICIPAL APPROVAL. (a) Except as provided by
9-26 Subsection (b), the district must obtain approval from the
9-27 governing body of the City of Houston for:

- 9-28 (1) the issuance of bonds for an improvement project;
- 9-29 (2) the plans and specifications of an improvement
9-30 project financed by the bonds; and

- 9-31 (3) the plans and specifications of a district
9-32 improvement project related to:

- 9-33 (A) the use of land owned by the City of Houston;
- 9-34 (B) an easement granted by the City of Houston;

9-35 or

- 9-36 (C) a right-of-way of a street, road, or highway.

9-37 (b) If the district obtains approval from the governing body
9-38 of the City of Houston for a capital improvements budget for a
9-39 period not to exceed five years, the district may finance the
9-40 capital improvements and issue bonds specified in the budget
9-41 without further approval from the City of Houston.

9-42 SECTION 24. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
9-43 OBLIGATIONS. Except as provided by Section 375.263, Local
9-44 Government Code, a municipality is not required to pay a bond, note,
9-45 or other obligation of the district.

9-46 SECTION 25. DISBURSEMENTS OR TRANSFERS OF MONEY. The board
9-47 by resolution shall establish the number of directors' signatures
9-48 and the procedure required for a disbursement or transfer of the
9-49 district's money.

9-50 SECTION 26. COMPETITIVE BIDDING LIMIT. Section 375.221,
9-51 Local Government Code, applies to the district only for a contract
9-52 that has a value greater than \$25,000.

9-53 SECTION 27. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH
9-54 OUTSTANDING DEBT. (a) The board may vote to dissolve a district
9-55 that has debt. If the vote is in favor of dissolution, the district
9-56 shall remain in existence solely for the limited purpose of
9-57 discharging its debts. The dissolution is effective when all debts
9-58 have been discharged.

9-59 (b) Section 375.264, Local Government Code, does not apply
9-60 to the district.

9-61 SECTION 28. INITIAL DIRECTORS. (a) The initial board
9-62 consists of the following persons:

9-63	Pos. No.	Name of Director
9-64	1	Stephen Pohl
9-65	2	C. Glen Crocker
9-66	3	Gene Satern
9-67	4	Willard Tredway
9-68	5	Connie Simmons

9-69 (b) Of the initial directors, the terms of directors

10-1 appointed for positions 1 through 3 expire June 1, 2005, and the
10-2 terms of directors appointed for positions 4 and 5 expire June 1,
10-3 2007.

10-4 (c) Section 10 does not apply to this section.

10-5 (d) This section expires September 1, 2007.

10-6 SECTION 29. TAX AND ASSESSMENT ABATEMENTS. Without further
10-7 authorization or other procedural requirement, the district may
10-8 grant, consistent with Chapter 312, Tax Code, an abatement for a tax
10-9 or assessment owed to the district.

10-10 SECTION 30. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
10-11 district may join and pay dues to an organization that enjoys
10-12 tax-exempt status under Sections 501(c)(3), (4), or (6), Internal
10-13 Revenue Code of 1986, as amended, and that performs services or
10-14 provides activities consistent with the furtherance of the purposes
10-15 of the district. An expenditure of public money for membership in
10-16 the organization is considered to further the purposes of the
10-17 district and to be for a public purpose.

10-18 SECTION 31. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
10-19 All or any part of the area of the district is eligible,
10-20 notwithstanding other statutory criteria, to be included in a tax
10-21 increment reinvestment zone created by the City of Houston under
10-22 Chapter 311, Tax Code, or included in a tax abatement reinvestment
10-23 zone created by the City of Houston under Chapter 312, Tax Code.
10-24 All or any part of the area of the district is also eligible to be
10-25 included in an enterprise zone created by the City of Houston under
10-26 Chapter 2303, Government Code.

10-27 SECTION 32. ECONOMIC DEVELOPMENT PROGRAMS. The district
10-28 may establish and provide for the administration of one or more
10-29 programs, including programs for making loans and grants of public
10-30 money and providing personnel and services of the district, to
10-31 promote state or local economic development and to stimulate
10-32 business and commercial activity in the district. The district has
10-33 all of the powers and authority of a municipality under Chapter 380,
10-34 Local Government Code.

10-35 SECTION 33. LEGISLATIVE FINDINGS. The legislature finds
10-36 that:

10-37 (1) proper and legal notice of the intention to
10-38 introduce this Act, setting forth the general substance of this
10-39 Act, has been published as provided by law, and the notice and a
10-40 copy of this Act have been furnished to all persons, agencies,
10-41 officials, or entities to which they are required to be furnished by
10-42 the constitution and laws of this state, including the governor,
10-43 who has submitted the notice and Act to the Texas Commission on
10-44 Environmental Quality;

10-45 (2) the Texas Commission on Environmental Quality has
10-46 filed its recommendations relating to this Act with the governor,
10-47 lieutenant governor, and speaker of the house of representatives
10-48 within the required time;

10-49 (3) the general law relating to consent by political
10-50 subdivisions to the creation of districts with conservation,
10-51 reclamation, and road powers and the inclusion of land in those
10-52 districts has been complied with; and

10-53 (4) all requirements of the constitution and laws of
10-54 this state and the rules and procedures of the legislature with
10-55 respect to the notice, introduction, and passage of this Act have
10-56 been fulfilled and accomplished.

10-57 SECTION 34. EFFECTIVE DATE. This Act takes effect
10-58 immediately if it receives a vote of two-thirds of all the members
10-59 elected to each house, as provided by Section 39, Article III, Texas
10-60 Constitution. If this Act does not receive the vote necessary for
10-61 immediate effect, this Act takes effect September 1, 2003.

10-62 * * * * *