

By: Hegar

H.B. No. 3480

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the West Fort Bend Management District;
providing authority to impose a tax and issue a bond or similar
obligation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. WEST FORT BEND MANAGEMENT DISTRICT. Subtitle C,
Title 4, Special District Local Laws Code, is amended by adding
Chapter 3835 to read as follows:

CHAPTER 3835. WEST FORT BEND MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3835.001. DEFINITIONS. In this chapter:

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

(2) "District" means the West Fort Bend Management
District.

Sec. 3835.002. WEST FORT BEND MANAGEMENT DISTRICT. The
West Fort Bend Management District is a special district created
under Section 59, Article XVI, Texas Constitution.

Sec. 3835.003. PURPOSE; DECLARATION OF INTENT. (a) The
creation of the district is essential to accomplish the purposes of
Sections 52 and 52-a, Article III, and Section 59, Article XVI,
Texas Constitution, and other public purposes stated in this
chapter.

(b) The creation of the district is necessary to promote,

1 develop, encourage, and maintain employment, commerce,
2 transportation, housing, tourism, recreation, the arts,
3 entertainment, economic development, safety, and the public
4 welfare in the district.

5 (c) The creation of the district will establish an economic
6 climate that encourages sustainable growth and improves the quality
7 of life of citizens.

8 (d) This chapter and the creation of the district may not be
9 interpreted to relieve Fort Bend County and the Cities of Richmond
10 and Rosenberg from providing the level of services provided as of
11 the effective date of the Act enacting this chapter, to the area in
12 the district. The district is created to supplement and not to
13 supplant the county or city services provided in the area in the
14 district.

15 Sec. 3835.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

17 (b) All land and other property included in the district
18 will benefit from the improvements and services to be provided by
19 the district under powers conferred by Sections 52 and 52-a,
20 Article III, and Section 59, Article XVI, Texas Constitution, and
21 other powers granted under this chapter.

22 (c) The creation of the district is in the public interest
23 and is essential to:

24 (1) further the public purposes of developing and
25 diversifying the economy of the state;

26 (2) eliminate unemployment and underemployment; and

27 (3) develop or expand transportation and commerce.

1 (d) The district will:

2 (1) promote the health, safety, and general welfare of
3 residents, employers, potential employees, employees, visitors,
4 and consumers in the district, and of the public;

5 (2) provide needed funding for the district to
6 preserve, maintain, and enhance the economic health and vitality of
7 the district territory as a community and business center; and

8 (3) promote the health, safety, welfare, and enjoyment
9 of the public by providing pedestrian ways and by landscaping and
10 developing certain areas in the district, which are necessary for
11 the restoration, preservation, and enhancement of scenic beauty.

12 (e) Pedestrian ways along or across a street, whether at
13 grade or above or below the surface, and street lighting, street
14 landscaping, parking, and street art objects are parts of and
15 necessary components of a street and are considered to be a street
16 or road improvement.

17 (f) The district will not act as the agent or
18 instrumentality of any private interest even though the district
19 will benefit many private interests as well as the public.

20 Sec. 3835.005. DISTRICT TERRITORY. (a) The district is
21 composed of the territory described by Section 2 of the Act enacting
22 this chapter, as that territory may have been modified under:

23 (1) Subchapter J, Chapter 49, Water Code; or

24 (2) other law.

25 (b) The boundaries and field notes of the district contained
26 in Section 2 of the Act enacting this chapter form a closure. A
27 mistake in the field notes or in copying the field notes in the

1 legislative process does not in any way affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for a purpose for
4 which the district is created or to pay the principal of and
5 interest on the bond;

6 (3) right to impose or collect an assessment or tax; or

7 (4) legality or operation.

8 Sec. 3835.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

9 All or any part of the area of the district is eligible to be
10 included in:

11 (1) a tax increment reinvestment zone created by a
12 municipality under Chapter 311, Tax Code;

13 (2) a tax abatement reinvestment zone created by a
14 municipality under Chapter 312, Tax Code; or

15 (3) an enterprise zone created by a municipality under
16 Chapter 2303, Government Code.

17 Sec. 3835.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
18 DISTRICTS LAW. Except as otherwise provided by this chapter,
19 Chapter 375, Local Government Code, applies to the district.

20 Sec. 3835.008. LIBERAL CONSTRUCTION OF CHAPTER. This
21 chapter shall be liberally construed in conformity with the
22 findings and purposes stated in this chapter.

23 [Sections 3835.009-3835.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3835.051. BOARD OF DIRECTORS; TERMS. (a) The district
26 is governed by a board of five voting directors who serve staggered
27 terms of four years, with two or three directors' terms expiring

1 June 1 of each odd-numbered year.

2 (b) The board by resolution may change the number of voting
3 directors on the board, but only if the board determines that the
4 change is in the best interest of the district. The board may not
5 consist of fewer than five or more than 15 voting directors.

6 Sec. 3835.052. APPOINTMENT OF DIRECTORS. (a) From persons
7 recommended by the board:

8 (1) the City of Richmond shall appoint two voting
9 directors;

10 (2) the City of Rosenberg shall appoint two voting
11 directors; and

12 (3) the cities shall jointly appoint one voting
13 director.

14 (b) For an appointment under Subsection (a)(1) or (2), a
15 person is appointed if a majority of the members of the governing
16 body of the city, including the mayor, vote to appoint that person.
17 For an appointment under Subsection (a)(3), a person is appointed
18 if a majority of the members of the governing body of each city,
19 including the mayor, vote to appoint that person.

20 (c) If the board increases the number of voting directors
21 from five, an equal number of directors must be appointed by the
22 Cities of Richmond and Rosenberg. The remaining director, if any,
23 must be appointed jointly by the cities as provided by this section.

24 Sec. 3835.053. NONVOTING DIRECTORS. The board may appoint
25 nonvoting directors to serve at the pleasure of the voting
26 directors.

27 Sec. 3835.054. QUORUM. For purposes of determining whether

1 a quorum of the board is present, the following are not counted:

2 (1) a board position vacant for any reason, including
3 death, resignation, or disqualification;

4 (2) a director who is abstaining from participation in
5 a vote because of a conflict of interest; or

6 (3) a nonvoting director.

7 Sec. 3835.055. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

8 (a) Except as provided by this section:

9 (1) a director may participate in all board votes and
10 decisions; and

11 (2) Chapter 171, Local Government Code, governs
12 conflicts of interest for directors.

13 (b) Section 171.004, Local Government Code, does not apply
14 to the district. A director who has a substantial interest in a
15 business or charitable entity that will receive a pecuniary benefit
16 from a board action shall file a one-time affidavit declaring the
17 interest. An additional affidavit is not required if the
18 director's interest changes. After the affidavit is filed with the
19 board secretary, the director may participate in a discussion or
20 vote on that action if:

21 (1) a majority of the directors have a similar
22 interest in the same entity; or

23 (2) all other similar business or charitable entities
24 in the district will receive a similar pecuniary benefit.

25 (c) A director who is also an officer or employee of a public
26 entity may not participate in the discussion of or vote on a matter
27 regarding a contract with that public entity.

1 (d) For purposes of this section, a director has a
2 substantial interest in a charitable entity in the same manner that
3 a person would have a substantial interest in a business entity
4 under Section 171.002, Local Government Code.

5 Sec. 3835.056. INITIAL VOTING DIRECTORS. (a) The initial
6 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Lane Ward</u>
<u>2</u>	<u>Paul J. Council</u>
<u>3</u>	<u>Joey Dupres</u>
<u>4</u>	<u>Dean Leaman</u>
<u>5</u>	<u>Roland Adamson</u>

13 (b) Of the initial voting directors, the terms of directors
14 appointed for positions 1 through 3 expire June 1, 2007, and the
15 terms of directors appointed for positions 4 and 5 expire June 1,
16 2009.

17 (c) Section 3835.052 does not apply to this section.

18 (d) This section expires September 1, 2010.

19 [Sections 3835.057-3835.100 reserved for expansion]

20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 3835.101. ADDITIONAL POWERS OF DISTRICT. The district
22 may exercise the powers given to:

23 (1) a corporation under Section 4B, Development
24 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
25 Statutes), including the power to own, operate, acquire, construct,
26 lease, improve, or maintain a project described by that section;
27 and

1 (2) a housing finance corporation under Chapter 394,
2 Local Government Code, to provide housing or residential
3 development projects in the district.

4 Sec. 3835.102. MUNICIPALITY ZONING POWERS; DISSOLUTION.

5 (a) The district may exercise the powers given to a municipality
6 under Chapter 211, Local Government Code, including the power to
7 regulate aesthetic development standards and other land use to
8 restrict property use in the district.

9 (b) A regulation adopted by the board under this section is
10 in addition to regulations of the City of Richmond or Rosenberg. To
11 the extent of any conflict between a board regulation adopted under
12 this section and a regulation of the City of Richmond or Rosenberg,
13 the more restrictive regulation controls.

14 (c) The board may provide in a regulation that if the
15 district dissolves, the restriction in the regulation continues in
16 effect after the dissolution as a regulation of the city with
17 jurisdiction over the territory to which the regulation applies
18 until modified or repealed by the governing body of the City of
19 Richmond or Rosenberg, as appropriate.

20 Sec. 3835.103. NONPROFIT CORPORATION. (a) The board by
21 resolution may authorize the creation of a nonprofit corporation to
22 assist and act for the district in implementing a project or
23 providing a service authorized by this chapter.

24 (b) The nonprofit corporation:

25 (1) has each power of and is considered for purposes of
26 this chapter to be a local government corporation created under
27 Chapter 431, Transportation Code; and

1 (2) may implement any project and provide any service
2 authorized by this chapter.

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

8 Sec. 3835.104. AGREEMENTS; GRANTS. (a) The district may
9 make an agreement with or accept a gift, grant, or loan from any
10 person.

11 (b) The implementation of a project is a governmental
12 function or service for the purposes of Chapter 791, Government
13 Code.

14 Sec. 3835.105. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
15 To protect the public interest, the district may contract with Fort
16 Bend County or the City of Richmond or Rosenberg for the county or
17 the city to provide law enforcement services in the district for a
18 fee.

19 Sec. 3835.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
20 district may join and pay dues to an organization that:

21 (1) enjoys tax-exempt status under Section 501(c)(3),
22 (4), or (6), Internal Revenue Code of 1986; and

23 (2) performs a service or provides an activity
24 consistent with the furtherance of a district purpose.

25 Sec. 3835.107. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
26 district may establish and provide for the administration of one or
27 more programs to promote state or local economic development and to

1 stimulate business and commercial activity in the district,
2 including programs to:

3 (1) make loans and grants of public money; and

4 (2) provide district personnel and services.

5 (b) For purposes of this section, the district has all of
6 the powers of a municipality under Chapter 380, Local Government
7 Code.

8 Sec. 3835.108. NO EMINENT DOMAIN. The district may not
9 exercise the power of eminent domain.

10 [Sections 3835.109–3835.150 reserved for expansion]

11 SUBCHAPTER D. FINANCIAL PROVISIONS

12 Sec. 3835.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
13 board by resolution shall establish the number of directors'
14 signatures and the procedure required for a disbursement or
15 transfer of the district's money.

16 Sec. 3835.152. PETITION REQUIRED FOR FINANCING SERVICES AND
17 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
18 service or improvement project with assessments under this chapter
19 unless a written petition requesting that service or improvement
20 has been filed with the board.

21 (b) A petition filed under Subsection (a) must be signed by
22 the owners of a majority of the assessed value of real property in
23 the district subject to assessment according to the most recent
24 certified tax appraisal roll for Fort Bend County.

25 Sec. 3835.153. METHOD OF NOTICE FOR HEARING. The district
26 may mail the notice required by Section 375.115(c), Local
27 Government Code, by certified United States mail or an equivalent

1 service that can provide a record of mailing or other delivery.

2 Sec. 3835.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

3 The board by resolution may impose and collect an assessment for any
4 purpose authorized by this chapter.

5 (b) An assessment, a reassessment, or an assessment
6 resulting from an addition to or correction of the assessment roll
7 by the district, penalties and interest on an assessment or
8 reassessment, an expense of collection, and reasonable attorney's
9 fees incurred by the district:

10 (1) are a first and prior lien against the property
11 assessed;

12 (2) are superior to any other lien or claim other than
13 a lien or claim for county, school district, or municipal ad valorem
14 taxes; and

15 (3) are the personal liability of and a charge against
16 the owners of the property even if the owners are not named in the
17 assessment proceedings.

18 (c) The lien is effective from the date of the board's
19 resolution imposing the assessment until the date the assessment is
20 paid. The board may enforce the lien in the same manner that the
21 board may enforce an ad valorem tax lien against real property.

22 (d) The board may make a correction to or deletion from the
23 assessment roll that does not increase the amount of assessment of
24 any parcel of land without providing notice and holding a hearing in
25 the manner required for additional assessments.

26 Sec. 3835.155. AD VALOREM TAX. (a) If authorized at an
27 election held in accordance with Section 3835.159, the district may

1 impose an annual ad valorem tax on taxable property in the district
2 for any district purpose, including to:

- 3 (1) promote economic development;
- 4 (2) maintain and operate the district;
- 5 (3) construct or acquire improvements; or
- 6 (4) provide a service.

7 (b) The board shall determine the tax rate.

8 Sec. 3835.156. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
9 ASSESSMENTS. The district may not impose an impact fee or
10 assessment on the property, including the equipment,
11 rights-of-way, facilities, or improvements, of:

- 12 (1) an electric utility or a power generation company
13 as defined by Section 31.002, Utilities Code;
- 14 (2) a gas utility as defined by Section 101.003 or
15 121.001, Utilities Code;
- 16 (3) a telecommunications provider as defined by
17 Section 51.002, Utilities Code; or
- 18 (4) a person who provides to the public cable
19 television or advanced telecommunications services.

20 Sec. 3835.157. BONDS AND OTHER OBLIGATIONS. (a) The
21 district may issue bonds or other obligations payable wholly or
22 partly from taxes, assessments, impact fees, revenue, grants, or
23 other money of the district, or any combination of those sources of
24 money, to pay for any authorized purpose of the district. The
25 sources of money may include economic development money contributed
26 by the City of Richmond or Rosenberg or by an economic development
27 corporation created under the Development Corporation Act of 1979

1 (Article 5190.6, Vernon's Texas Civil Statutes).

2 (b) In exercising the district's power to borrow, the
3 district may issue a bond or other obligation in the form of a bond,
4 note, certificate of participation or other instrument evidencing a
5 proportionate interest in payments to be made by the district, or
6 other type of obligation.

7 Sec. 3835.158. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
8 the time bonds or other obligations payable wholly or partly from ad
9 valorem taxes are issued:

10 (1) the board shall impose a continuing direct annual
11 ad valorem tax, without limit as to rate or amount, for each year
12 that all or part of the bonds are outstanding; and

13 (2) the district annually shall impose an ad valorem
14 tax on all taxable property in the district in an amount sufficient
15 to:

16 (A) pay the interest on the bonds or other
17 obligations as the interest becomes due;

18 (B) create a sinking fund for the payment of the
19 principal of the bonds or other obligations when due or the
20 redemption price at any earlier required redemption date; and

21 (C) pay the expenses of imposing the taxes.

22 Sec. 3835.159. TAX AND BOND ELECTIONS. (a) The district
23 shall hold an election in the manner provided by Subchapter L,
24 Chapter 375, Local Government Code, to obtain voter approval before
25 the district imposes a maintenance tax or issues bonds payable from
26 ad valorem taxes.

27 (b) The board may include more than one purpose in a single

1 proposition at an election.

2 (c) Section 375.243, Local Government Code, does not apply
3 to the district.

4 Sec. 3835.160. CITIES NOT REQUIRED TO PAY DISTRICT
5 OBLIGATIONS. Except as provided by Section 375.263, Local
6 Government Code, the Cities of Richmond and Rosenberg are not
7 required to pay a bond, note, or other obligation of the district.

8 Sec. 3835.161. COMPETITIVE BIDDING. Section 375.221, Local
9 Government Code, applies to the district only for a contract that
10 has a value greater than \$25,000.

11 Sec. 3835.162. TAX AND ASSESSMENT ABATEMENTS. The district
12 may grant in the manner authorized by Chapter 312, Tax Code, an
13 abatement for a tax or assessment owed to the district.

14 [Sections 3835.163-3835.200 reserved for expansion]

15 SUBCHAPTER E. DISSOLUTION

16 Sec. 3835.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
17 DEBT. (a) The board may dissolve the district regardless of
18 whether the district has debt. Section 375.264, Local Government
19 Code, does not apply to the district.

20 (b) If the district has debt when it is dissolved, the
21 district shall remain in existence solely for the purpose of
22 discharging its debts. The dissolution is effective when all debts
23 have been discharged.

24 SECTION 2. BOUNDARIES. As of the effective date of this
25 Act, the West Fort Bend Management District includes all territory
26 contained in the following described area:

27 TRACT A (U.S. HIGHWAY 59) - BEGINNING at a point in the

1 centerline of State Highway 36 being 2,000 feet southerly of the
2 centerline of U.S. Highway 59; THENCE in a westerly direction along
3 a line being 2,000 feet southerly of the centerline of U.S. Highway
4 59, crossing Spur Highway 10, and continuing to a point being 2,000
5 feet southeasterly of and perpendicular to the point of
6 intersection of the centerline of U.S. Highway 59 with the most
7 westerly City Limits Line of the City of Rosenberg along U.S.
8 Highway 59 for the southwest corner of this tract; THENCE in a
9 northwesterly direction 2,000 feet to the point of intersection of
10 the centerline of U.S. Highway 59 with the most westerly City Limits
11 Line of the City of Rosenberg along U.S. Highway 59; THENCE in a
12 northerly direction following the City Limits Line of the City of
13 Rosenberg to the point of intersection of said line with the
14 southerly right-of-way line of Spur Highway 540; THENCE along the
15 southerly right-of-way line of Spur Highway 540 to the point of
16 intersection of said line with the extension of the southwesterly
17 right-of-way line of Hamlink Road; THENCE in a northwesterly
18 direction along the southwesterly right-of-way line of Hamlink Road
19 to the point of intersection of said line with a line being 2,000
20 feet northwesterly of and parallel to the centerline of U.S.
21 Highway 59 for the northwest corner of this tract; THENCE in a
22 northeasterly direction along a line being 2,000 feet northerly of
23 and parallel to the centerline of U.S. Highway 59, crossing Spur
24 Highway 10, crossing State Highway 36, crossing F.M. Highway 2218,
25 crossing F.M. Highway 762, and continuing to the point of
26 intersection of said line with the most easterly Extraterritorial
27 Jurisdiction Line of the City of Richmond, same being the most

1 westerly Extraterritorial Jurisdiction Line of the City of Sugar
2 Land, for the northeast corner of this tract; THENCE in a southerly
3 direction along the common line of the Extraterritorial
4 Jurisdiction of the City of Richmond and the Extraterritorial
5 Jurisdiction of the City of Sugar Land to a point being 2,000 feet
6 southerly of and parallel to the centerline of U.S. Highway 59 for
7 the southeast corner of this tract; THENCE in a westerly direction
8 along a line being 2,000 feet southerly of and parallel to the
9 centerline of U.S. Highway 59, crossing F.M. Highway 762, crossing
10 F.M. Highway 2218, and continuing to the PLACE OF BEGINNING.

11 TRACT B (SPUR HIGHWAY 10) - BEGINNING at a point in the
12 centerline of Spur Highway 10, 2,000 feet northwesterly of the
13 centerline intersection of Spur Highway 10 with U.S. Highway 59;
14 THENCE in a northeasterly direction along a line being 2,000 feet
15 northwesterly of and parallel to the centerline of U.S. Highway 59
16 to a point being 2,000 feet northeasterly of the centerline of Spur
17 Highway 10 for the southeast corner of this tract; THENCE in a
18 northerly direction along a line being 2,000 feet easterly of and
19 parallel to the centerline of Spur Highway 10, crossing U.S.
20 Highway 90A, and continuing to a point being 2,000 feet southerly of
21 the centerline of State Highway 36 for the northeast corner of this
22 tract; THENCE in a northwesterly direction 2,000 feet southwesterly
23 of and parallel to the centerline of State Highway 36, crossing the
24 centerline of Spur Highway 10, and continuing to a point being 2,000
25 feet westerly of the centerline of Spur Highway 10, for the
26 northwest corner of this tract; THENCE in a southerly direction
27 along a line being 2,000 feet westerly of and parallel to the

1 centerline of Spur Highway 10, crossing U.S. Highway 90A, and
2 continuing to a point being 2,000 feet northwesterly of the
3 centerline of U.S. Highway 59 for the southwest corner of this
4 tract; THENCE in a northeasterly direction along a line being 2,000
5 feet northwesterly of and parallel to the centerline of U.S.
6 Highway 59 to the PLACE OF BEGINNING.

7 TRACT C - (STATE HIGHWAY 36) - BEGINNING at a point in the
8 centerline of State Highway 36, being 2,000 feet northerly of the
9 centerline of U.S. Highway 59; THENCE in a westerly direction along
10 a line being 2,000 feet northerly of and parallel to the centerline
11 of U.S. Highway 59 to a point being 2,000 feet westerly of the
12 centerline of State Highway 36 for the lower southwest corner of
13 this tract; THENCE in a northerly direction along a line being 2,000
14 feet westerly of and parallel to the centerline of State Highway 36
15 running in a north-south direction to a point being 2,000 feet
16 southerly of the centerline of State Highway 36 running in an
17 east-west direction; THENCE westerly along a line being 2,000 feet
18 southerly of and parallel to the centerline of State Highway 36,
19 crossing Spur Highway 529, crossing U.S. Highway 90A, and crossing
20 Spur Highway 10, and continuing to a point in the extension of the
21 most westerly City Limits Line of the City of Rosenberg along State
22 Highway 36 for the upper southwest corner of this tract; THENCE in a
23 northerly direction on a line perpendicular to the centerline of
24 State Highway 36, at 2,000 feet pass the centerline of State Highway
25 36, and continuing to a point being 2,000 feet northerly of the
26 centerline of State Highway 36 for the northwest corner of this
27 tract; THENCE in an easterly direction along a line being 2,000 feet

1 northerly of and parallel to the centerline of State Highway 36 to a
2 point being 2,000 feet westerly of the centerline of F.M. Highway
3 723; THENCE in a northerly direction along a line being 2,000 feet
4 westerly of and parallel to the centerline of F.M. Highway 723 to a
5 point on the southerly bank of the Brazos River; THENCE in an
6 easterly direction with the southerly bank of the Brazos River to a
7 point being 2,000 feet easterly of the centerline of F.M. Highway
8 723 for the northeast corner of this tract; THENCE in a southerly
9 direction along a line being 2,000 feet easterly of and parallel to
10 the centerline of F.M. Highway 723 to a point in the centerline of
11 U.S. Highway 90A, being 2,000 feet easterly of the centerline of
12 State Highway 36; THENCE in a southerly direction along a line being
13 2,000 feet easterly of and parallel to the centerline of State
14 Highway 36 to a point being 2,000 feet northerly of the centerline
15 of U.S. Highway 59 for the southeast corner of this tract; THENCE in
16 a westerly direction along a line being 2,000 feet northerly of and
17 parallel to the centerline of U.S. Highway 59 to the PLACE OF
18 BEGINNING.

19 TRACT D (U.S. HIGHWAY 90A) - BEGINNING at a point being 2,000
20 feet easterly of the centerline of State Highway 36 running in a
21 north-south direction and being 2,000 feet southerly of the
22 centerline of U.S. Highway 90A for the southwest corner of this
23 tract; THENCE in a northerly direction along a line 2,000 feet
24 easterly of and parallel to the centerline of State Highway 36 to a
25 point for corner in the centerline of U.S. Highway 90A; THENCE in a
26 northwesterly direction along a line 2,000 feet easterly of and
27 parallel to the centerline of F.M. Highway 723 to a point 2,000 feet

1 northerly of the centerline of U.S. Highway 90A for the northwest
2 corner of this tract; THENCE in a northeasterly direction along a
3 line 2,000 feet northerly of and parallel to the centerline of U.S.
4 Highway 90A, crossing F.M. Highway 359, and continuing to a point
5 for the northeast corner of this tract in the centerline of F.M.
6 Highway 1464; THENCE in a southerly direction along the centerline
7 of F.M. Highway 1464 to a point for corner in the northerly
8 right-of-way line of the Union Pacific Railroad; THENCE in a
9 southwesterly direction along the northerly right-of-way line of
10 the Union Pacific Railroad to a point for corner in the intersection
11 of the northerly projection of the most easterly line of the Sandra
12 Smith Dompier call 1667.007 acre tract (Fort Bend County Clerks
13 File No. 9892308); THENCE in a southerly direction crossing the
14 Union Pacific Railroad right-of-way and the U.S. Highway 90A
15 right-of-way to a point for the northeast corner of said call
16 1667.007 acre tract; THENCE in a southerly direction along the most
17 easterly line of said call 1667.007 acre tract to a point 2,000 feet
18 southerly of the centerline of U.S. Highway 90A for the southeast
19 corner of this tract; THENCE in a southwesterly direction along a
20 line 2,000 feet southerly of and parallel to the centerline of U.S.
21 Highway 90A, crossing F.M. Highway 762, and continuing to the PLACE
22 OF BEGINNING.

23 TRACT E (F.M. HIGHWAY 359) - BEGINNING at a point being 2,000
24 feet northwesterly of the centerline of U.S. Highway 90A and being
25 2,000 feet westerly of the centerline of F.M. Highway 359 for the
26 most southerly southwest corner of this tract; THENCE in a
27 northerly direction along a line 2,000 feet westerly of and

1 parallel to the centerline of F.M. Highway 359 to a point for corner
2 2,000 feet southerly of the centerline of F.M. Highway 359; THENCE
3 in a westerly direction along a line 2,000 feet southerly of and
4 parallel to the centerline of F.M. Highway 359 to a point being
5 southerly 2,000 feet from the intersection of the centerline of
6 F.M. Highway 359 with the centerline of Jones Creek for the
7 southwest corner of this tract; THENCE in a northerly direction, at
8 2,000 feet pass the centerline of F.M. Highway 359 and the
9 centerline of said Jones Creek, in all 4,000 feet to a point 2,000
10 feet northerly of the centerline of F.M. Highway 359 for the
11 northwest corner of this tract; THENCE in an easterly direction
12 then southerly along a line 2,000 feet northerly of then easterly of
13 the centerline of F.M. Highway 359 to a point 2,000 feet northerly
14 of the centerline of U.S. Highway 90A for the southeast corner of
15 this tract; THENCE in a southwesterly direction along a line 2,000
16 feet northwesterly of the centerline of U.S. Highway 90A to the
17 PLACE OF BEGINNING.

18 TRACT F (F.M. HIGHWAY 2218) - BEGINNING at a point in the
19 centerline F.M. Highway 2218 being 2,000 feet northerly of the
20 centerline of U.S. Highway 59; THENCE in a westerly direction along
21 a line being 2,000 feet northerly of and parallel to the centerline
22 of U.S. Highway 59 to a point being 2,000 feet northwesterly of the
23 centerline of F.M. Highway 2218 for the southwest corner of this
24 tract; THENCE in a northeasterly direction along a line being 2,000
25 feet northwesterly of and parallel to the center line of F.M.
26 Highway 2218 to a point being 2,000 feet southwesterly of the
27 centerline of F.M. Highway 762 for the north corner of this tract;

1 THENCE in a southeasterly direction along a line being 2,000 feet
2 southwesterly of and parallel to the centerline of F.M. Highway 762
3 to a point being 2,000 feet southeasterly the centerline of F.M.
4 Highway 2218 for the upper southeast corner of this tract; THENCE in
5 a southwesterly direction along a line being 2,000 feet
6 southeasterly of and parallel to the centerline of F.M. Highway
7 2218 to a point being 2,000 feet northerly of the centerline of U.S.
8 Highway 59 for the lower southeast corner of this tract; THENCE in a
9 westerly direction along a line being 2,000 feet northerly of and
10 parallel to the centerline of U.S. Highway 59 to the PLACE OF
11 BEGINNING.

12 TRACT G (F.M. HIGHWAY 762) - BEGINNING at a point being 2,000
13 feet northwesterly of the centerline of U.S. Highway 59 and being
14 2,000 feet southwesterly of the centerline of F.M. Highway 762 for
15 the southwest corner of this tract; THENCE in a northwesterly
16 direction along a line 2,000 feet southwesterly of the centerline
17 of F.M. Highway 762 to a point being 2,000 feet southeasterly of the
18 centerline of U.S. Highway 90A for the northwest corner of this
19 tract; THENCE in a northeasterly direction along a line 2,000 feet
20 southeasterly of the centerline of U.S. Highway 90A to a point being
21 2,000 feet northeasterly of the centerline of F.M. Highway 762 for
22 the northeast corner of this tract; THENCE in a southeasterly
23 direction along a line 2,000 feet northeasterly of the centerline
24 of F.M. Highway 762 to a point being 2,000 feet northwesterly of the
25 centerline of U.S. Highway 59 for the southeast corner of this
26 tract; THENCE in a southwesterly direction along a line 2,000 feet
27 northwesterly of the centerline of U.S. Highway 59 to the PLACE OF

1 BEGINNING.

2 TRACT H (F.M. HIGHWAY 762) - BEGINNING at a point being 2,000
3 feet southeasterly of the centerline of U.S. Highway 59 and being
4 2,000 feet southwesterly of the centerline of F.M. Highway 762 for
5 the west corner of this tract; THENCE in a northeasterly direction
6 along a line 2,000 feet southeasterly of and parallel to the
7 centerline of U.S. Highway 59 to a point being 2,000 feet
8 northeasterly of the centerline of F.M. Highway 762 for the north
9 corner of this tract; THENCE in a southeasterly direction along a
10 line 2,000 feet northeasterly of and parallel to the centerline of
11 F.M. Highway 762 to a point in the northwesterly right-of-way line
12 of Crabb-River Road for the northeast corner of this tract; THENCE
13 in a southwesterly direction along the northwesterly right-of-way
14 line of Crabb-River Road to a point for corner in the intersection
15 of the projection of the northwesterly right-of-way line of said
16 Crabb-River Road with the centerline of the F.M. Highway 762;
17 THENCE in a southeasterly direction along the centerline of
18 southbound F.M. Highway 762 to a point being 2,000 feet
19 southwesterly of the centerline of westbound F.M. Highway 762 for
20 the southeast corner of this tract; THENCE in a northwesterly
21 direction along a line 2,000 feet southwesterly of and parallel to
22 the centerline of westbound F.M. Highway 762 to the PLACE OF
23 BEGINNING.

24 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
25 that:

26 (1) proper and legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished by
4 the constitution and laws of this state, including the governor,
5 who has submitted the notice and Act to the Texas Commission on
6 Environmental Quality;

7 (2) the Texas Commission on Environmental Quality has
8 filed its recommendations relating to this Act with the governor,
9 lieutenant governor, and speaker of the house of representatives
10 within the required time;

11 (3) the general law relating to consent by political
12 subdivisions to the creation of districts with conservation,
13 reclamation, and road powers and the inclusion of land in those
14 districts has been complied with; and

15 (4) all requirements of the constitution and laws of
16 this state and the rules and procedures of the legislature with
17 respect to the notice, introduction, and passage of this Act have
18 been fulfilled and accomplished.

19 SECTION 4. EFFECTIVE DATE. This Act takes effect
20 immediately if it receives a vote of two-thirds of all the members
21 elected to each house, as provided by Section 39, Article III, Texas
22 Constitution. If this Act does not receive the vote necessary for
23 immediate effect, this Act takes effect September 1, 2005.