

By: Hegar

H.B. No. 3488

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Fort Bend County Municipal Utility District No. 167; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter _____ to read as follows:

CHAPTER . FORT BEND COUNTY MUNICIPAL UTILITY

DISTRICT NO. 167.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. .001. DEFINITIONS. In this Chapter:

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

(2) "District" means Fort Bend County Municipal Utility District No. 167.

Sec. .002. CREATION OF DISTRICT. Fort Bend County Municipal Utility District No. 167 is created as a special district under Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. .003. DECLARATION OF INTENT. The creation of the district is essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this Act.

Sec. .004. INITIAL DISTRICT TERRITORY. (a) The district

1 is initially composed of territory described by Section 2 of the Act
2 creating this chapter.

3 (b) The boundaries and field notes of the district form a
4 closure. A mistake in the field notes or in copying the field notes
5 in the legislative process does not in any way affect the
6 district's:

7 (1) organization, existence, or validity;

8 (2) right to issue any type of bond for the purposes
9 for which the district is created or to pay the principal of and
10 interest on a bond;

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

12 (4) legality or operation.

13 Sec. .005. APPLICABILITY OF OTHER LAW. (a) Except as
14 otherwise provided by this Chapter, Chapters 49 and 54, Water Code,
15 apply to the district.

16 (b) Chapter 311, Government Code (Code Construction Act),
17 applies to this Act.

18 (c) Chapter 1471, Government Code, does not apply to the
19 district.

20 Sec. .006. CONSTRUCTION OF ACT. (a) This Act shall be
21 liberally construed in conformity with the findings and purposes
22 set forth in this Act.

23 (b) If any provision of the general law conflicts with this
24 Act, this Act prevails.

25 (c) If any provision of the general law conflicts with
26 Chapters 49 and 54, Water Code, Chapters 49 and 54, Water Code
27 prevail.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. .051. BOARD OF DIRECTORS; TERMS. (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 49, Water Code, and until his successor is elected and has qualified.

(c) Except for the initial directors, each director shall qualify to serve as director in the manner provided by Chapter 49, Water Code.

Sec. .052. INITIAL DIRECTORS. (a) The initial board consists of the following persons:

- (1) _____ ;
- (2) _____ ;
- (3) _____ ;
- (4) _____ ; and
- (5) _____ .

(b) Of the initial directors, the terms of the first three directors named in Subsection (a) expire on the uniform election date in May 2007, and the terms of the last two directors named in Subsection (a) expire on the uniform election date in May 2009.

(c) On the uniform election date in May 2007, the board shall hold an election for the directors whose terms expire on such date. On the uniform election date in May 2009, the board shall hold an election for the directors whose terms expire on such date.

(d) This section expires September 1, 2009.

Sec. .053. CONFIRMATION ELECTION. The board of

1 directors shall hold an election to confirm the creation of the
2 district as provided by Section 49.102, Water Code.

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. .101. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

5 All land and other property included in the district will benefit
6 from the improvements and services to be provided by the district
7 under powers conferred by Sections 52, Article III, and Section 59,
8 Article XVI, Texas Constitution, and other powers granted under
9 this Act.

10 (b) The district is created for the following purposes:

11 (1) the purposes of a municipal utility district as
12 provided pursuant to Section 54.012, Water Code; and

13 (2) the purposes of road utility districts created
14 pursuant to Section 52, Article III, Texas Constitution, and
15 operating pursuant to Chapter 441, Transportation Code, including
16 the purpose of constructing, acquiring, improving, maintaining and
17 operating road and road facilities as defined in Chapter 441,
18 Transportation Code.

19 Sec. .102. POWERS OF DISTRICT. (a) The district shall
20 have the functions, powers, authority, rights and duties which will
21 permit accomplishment of the purposes for which it was created.

22 (b) The district shall have all of the rights, powers,
23 privileges, authority and functions, specifically including but
24 not limited to those relating to the levying of taxes, issuance of
25 bonds, imposition of standby fees, and exercise of the power of
26 eminent domain, conferred by the general laws of this state
27 applicable to municipal utility districts created under Article

1 XVI, Section 59, of the Texas Constitution, including those
2 conferred by Chapters 49 and 54, Water Code.

3 Sec. .103. SPECIFIC ROAD POWERS OF DISTRICT. (a) The
4 district may purchase, construct, acquire, own, operate, maintain,
5 improve or extend inside and outside its boundaries roads and road
6 facilities as defined in Chapter 441, Transportation Code, as
7 authorized by Section 52, Article III, of the Texas Constitution.

8 (b) In accordance with Article III, Section 52, of the Texas
9 Constitution, the district has the power and authority to issue
10 bonds, notes, and other obligations or otherwise lend its credit
11 and levy and collect taxes to pay the interest thereon and provide a
12 sinking fund for the redemption thereof for the construction,
13 purchase, maintenance and operation of roads and road facilities.
14 The total amount of bonds issued for such purpose may not exceed
15 one-fourth of the assessed market value of real property of the
16 district as determined by the chief appraiser of the appraisal
17 district that appraises property for the district.

18 (c) The roads and road facilities may include drainage,
19 landscaping and pedestrian improvements and lights, signs, or
20 signals that are incidental thereto and their construction,
21 maintenance, or operation.

22 (d) The roads and road facilities authorized by this section
23 must meet all applicable construction standards, zoning and
24 subdivision requirements, and regulatory ordinances of the
25 municipality or county in whose jurisdiction the road or road
26 facility is located.

27 (e) On completion of a road or road facility authorized by

1 this section, the district, with the consent of a municipality or
2 county, may convey that road or road facility to the municipality or
3 county, provided the conveyance is free of all indebtedness of the
4 district. If a municipality or county becomes the owner of a road
5 or road facility, the municipality or county is responsible for all
6 future maintenance and upkeep, and the district has no further
7 responsibility for the road or road facility or its maintenance or
8 upkeep, unless otherwise agreed to by the district and the
9 municipality or county.

10 (f) A district may contract with a state agency, political
11 subdivision, or corporation created under Chapter 431,
12 Transportation Code, for a joint road or road facility. The
13 district may issue bonds to pay all or part of the costs of the road
14 or road facility and any other payments required pursuant to the
15 contract. The contract may:

16 (1) provide for joint payment of the costs of the road
17 or road facility; and

18 (2) require the state agency, political subdivision,
19 or corporation to design, construct, or improve a road or road
20 facility as provided by the contract.

21 (g) The district may agree to:

22 (1) reimburse a private person for money spent to
23 construct a road or road facility that has been or will be dedicated
24 or otherwise transferred to public use; or

25 (2) purchase a road or road facility constructed by a
26 private person.

27 (h) The amount paid for the reimbursement or purchase of a

1 road or road facility:

2 (1) may include all construction costs, including
3 engineering, legal, financing, and other expenses incident to the
4 construction; or

5 (2) may be at a price not to exceed the replacement
6 cost of the road or road facility as determined by the board; and

7 (3) may be paid with proceeds from the sale of the
8 district's bonds or from any other money available to the district.

9 (i) The district may enter into an agreement to use the
10 proceeds of a subsequent bond sale for reimbursing all construction
11 costs, engineering and other expenses, and financing costs incident
12 to construction or acquisition of a road or an interest in a road to
13 a private person who constructs or acquires a road or road facility
14 that benefits the district pursuant to the agreement. The agreement
15 may provide the terms and conditions under which the road or road
16 facility will be dedicated or transferred for the benefit of the
17 public and to pay or reimburse the cost of constructing or acquiring
18 the road.

19 Sec. .104. EMINENT DOMAIN. The district may exercise the
20 power of eminent domain in accordance with Section 49.222, Water
21 Code.

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. .151. ELECTIONS REGARDING TAXES OR BONDS.

24 (b) The district may issue bonds, notes, and other
25 obligations secured by revenues or contract payments from any
26 lawful sources other than ad valorem taxation without an election.

27 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2 before the district may impose a maintenance tax or issue bonds
3 payable from ad valorem taxes.

4 (c) The board may include more than one purpose in a single
5 proposition at an election.

6 (d) The district may issue bonds, notes, and other
7 obligations to finance road and road facilities under Section
8 52(b)(3), Article III, of the Texas Constitution, secured in whole
9 or in part by ad valorem taxation and impose ad valorem taxes to pay
10 the principal of and interest on those obligations and provide a
11 sinking fund for the redemption thereof only if the issuance is
12 approved by a two-thirds majority of the voters of the district
13 voting at an election called and held for that purpose.

14 Sec. .152. AD VALOREM TAX. (a) If authorized at an
15 election held in accordance with Section _____.151, the district may
16 impose an annual ad valorem tax on taxable property in the district
17 for the acquisition, construction, financing, maintenance and
18 operation of the district and the improvements constructed or
19 acquired by the district or for the provision of services.

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

21 SUBCHAPTER E. BONDS OR OTHER OBLIGATIONS

22 Sec. .201. OBLIGATIONS. (a) The district may issue
23 bonds, notes, or other obligations payable in whole or in part from
24 ad valorem taxes, impact fees, revenue, grants, or other money of
25 the district, or any combination of those sources of money, to pay
26 for any authorized purpose of the district.

27 (b) In exercising the district's borrowing power, the

1 district may issue a bond or other obligation in the form of a bond,
2 note, certificate of participation or other instrument evidencing a
3 proportionate interest in payments to be made by the district, or
4 other type of obligation.

5 (c) At the time bonds payable in whole or in part from ad
6 valorem taxes are issued, the board shall levy a continuing direct
7 annual ad valorem tax for each year while all or part of the bonds
8 are outstanding on all taxable property within the district in
9 sufficient amount to pay the interest on the bonds as it becomes due
10 and to create a sinking fund for the payment of the principal of the
11 bonds when due or the redemption price at any earlier required
12 redemption date and to pay the expenses of assessing and collecting
13 taxes.

14 Sec. .202. AUTHORITY OF TEXAS COMMISSION ON ENVIRONMENTAL
15 QUALITY OVER ISSUANCE OF DISTRICT BONDS. (a) Sections 49.181 and
16 49.182, Water Code, apply to all water, wastewater, drainage and
17 recreational facility projects of the district and bonds issued
18 therefor.

19 (b) Section 49.181, Water Code, applies to all road and road
20 facility projects and bonds issued therefor; however, the review of
21 the Texas Commission on Environmental Quality of such projects
22 shall be limited to the financial feasibility of such projects and
23 bonds, and shall not include the review or approval of the design
24 and construction of such projects or the engineering feasibility of
25 such projects, and the requirements of written applications for
26 investigation of feasibility shall be adjusted accordingly.

27 (c) Section 49.182, Water Code, does not apply to any road

1 and road facility projects and bonds issued therefor.

2 (d) Projects and bonds of the district are not subject to
3 the review and approval of the Texas Transportation Commission or
4 the rules promulgated by the Texas Transportation Commission.

5 SECTION 2. Fort Bend County Municipal Utility District No.
6 167 initially includes all the territory contained in the following
7 area:

8 TRACT 1:

9 121.81 acres in the Jane H. Long League, Abstract No. 55, and
10 the Simon Jones Survey, Abstract No. 271, City of Rosenberg, Fort
11 Bend County, Texas

12 A FIELD NOTE DESCRIPTION of 121.81 acres of land in the Jane
13 H. Long League, Abstract No. 55 and in the Simon Jones Survey,
14 Abstract No. 271, City of Rosenberg, Fort Bend County, Texas; said
15 121 .81 acre tract being out of Reserve "H" and all of Reserve "K",
16 Block 4, The Villages At Rosenberg, according to the map or plat
17 recorded under Slide No. 1954 A&B of the Fort Bend County Plat
18 Records; said tract being more particularly described by metes and
19 bounds as follows with the bearings being based on Texas State Plane
20 Coordinate System, South Central Zone (NAD83) per GPS Observations
21 on May 07, 2004 using National Geodetic Survey Continuously
22 Operating Reference Stations:

23 BEGINNING at a 2-inch iron pipe found in the northeasterly
24 right-of-way line of Reading Road (60 feet wide) for a westerly
25 corner of said Reserve "H" and for a westerly corner of this tract;

26 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
27 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort

1 Bend Business Center according to the map or plat recorded under
2 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
3 iron pipe found for an angle point of this tract;

4 THENCE; North 22° 13' 39" East - 1,438.40 (called North 22° 12'
5 40" East) with the southeasterly line of a called 49.6426 acre tract
6 of land described as "Tract B" conveyed to Nancy McFarlane Bonner,
7 as recorded in Volume 1851, Page 424 of the Fort Bend County Deed
8 Records and with the southeasterly line of a called 49.6426 acre
9 tract of land described as "Tract A" conveyed to Thelma McFarlane
10 Zwiener, as recorded in Volume 1851, Page 424 of the Fort Bend
11 County Deed Records to a 2-inch iron pipe found for an interior
12 corner of this tract;

13 THENCE; North 68° 04' 11" West - 545.57 feet (called North 68°
14 03' 27" West - 545.08 feet) with the northeasterly line of said
15 "Tract A" to a 3/4-inch iron rod found for a westerly corner of this
16 tract;

17 THENCE; North 21° 41' 06" East - 1,979.04 feet (called North
18 21° 41' 49" East - 1,978.77 feet) with the southeasterly line of a
19 called 115.7247 acre tract of land conveyed to C.E. Myska, Trustee,
20 as recorded in Volume 934, Page 66 of the Fort Bend County Deed
21 Records to a 5/8-inch iron rod with cap set for the northerly corner
22 of this tract;

23 THENCE; South 37° 02' 26" East - 3,374.42 feet (called South
24 37° 01' 19" East) with the southwesterly right-of-way line of the
25 Gulf Coast & Santa Fe Railway Company right-of-way, as recorded in
26 Volume 75, Page 312 of the Fort Bend County Deed Records to point
27 for an easterly corner of this tract;

1 THENCE; South 52° 42' 48" West - 974.91 feet (called South 52°
2 43' 31" West) with the northwesterly line of Reserve "D" of said The
3 Villages At Rosenberg to a 5/8-inch iron rod with cap set for an
4 angle point of this tract;

5 THENCE; South 62° 39' 13" West - 1,205.30 feet (called South
6 62° 38' 30" West - 1,205.22 feet) with the northwesterly line of
7 Reserve "E" and Reserve "F" of said The Villages At Rosenberg to a
8 cut "x" in concrete found for a point-of-curvature;

9 THENCE; in an easterly direction with the northerly line of
10 said Reserve "F" and Reserve "G" of said The Villages At Rosenberg
11 and with said curve to the right having a radius of 100.00 feet, a
12 central angle of 50° 13' 34", a length of 87.66 feet and a chord
13 bearing South 87° 46' 00" West - 84.88 feet to a cut "x" in concrete
14 found for a point-of-tangency for this tract;

15 THENCE; North 67° 07' 14" West - 206.27 feet with the
16 northeasterly line of said Reserve "G" to a cut "x" in concrete
17 found for a southwesterly corner of this tract;

18 THENCE; North 22° 52' 43" East - 838.38 feet (called north 22°
19 52' 24" East - 838.44 feet) with the southeasterly line of Reserve
20 "A", The Villages At Rosenberg, Section 2, according to the map or
21 plat recorded under Slide No. 2214B; of the Fort Bend County Plat
22 Records conveyed to Rosenberg Venture LTD., as recorded under Fort
23 Bend County Clerk's File No. 2001119747 to a 5/8-inch iron rod found
24 for an interior corner of this tract;

25 THENCE; North 63° 20' 55" West - 400.66 feet (called North 63°
26 21' 05" West - 400.66 feet) with the northeasterly line of said
27 Reserve "A" to a point for an interior corner of this tract;

1 THENCE; South 61° 07' 04" West - 71.39 feet (called South 61°
2 06' 54" West - 71.39 feet) with a northwesterly line of said Reserve
3 "A" to an angle point of this tract;

4 THENCE; North 72° 59' 22" West - 163.95 feet (called North 73°
5 06' 44" West - 163.98 feet) with a northeasterly line of said
6 Reserve "A" to a hole punch in reinforced concrete pipe found for an
7 angle point of this tract;

8 THENCE; North 51° 19' 13" West - 19.63 feet (called North 50°
9 17' 30" West - 19.67 feet) with a northeasterly line of said Reserve
10 "A" to a 5/8-inch iron rod found for an angle point of this tract;

11 THENCE; North 22° 12' 51" East - 55.94 feet (called North 22°
12 12' 40" East - 55.84 feet) with the southeasterly right-of-way line
13 of Vista Drive (60 feet wide) according to the map or plat recorded
14 under Slide No. 2214 B of the Fort Bend County Plat Records to a
15 5/8-inch iron rod with cap set for an interior corner of this tract;

16 THENCE; North 67° 47' 09" West - 60.00 feet to a 5/8-inch iron
17 rod with cap set for an interior corner of this tract;

18 THENCE; South 22° 12' 51" West - 767.88 feet (called South 22°
19 12' 40" West - 761.21 feet) with the northwesterly right-of-way
20 line of said Vista Drive to a point for an angle point of this tract;

21 THENCE; South 22° 17' 31" West - 1,416.44 feet (called South
22 22° 16' 48" West - 1,423.85 feet) with the northwesterly
23 right-of-way line of said Vista Drive to a 5/8-inch iron rod with
24 cap set for the easterly end of a cutback at the intersection of the
25 northwesterly right-of-way line of said Vista Drive with the
26 northeasterly right-of-way line of said Reading Road;

27 THENCE; South 67° 34' 19" West - 21.11 feet (called South 67°

1 33' 28" West - 21,11 feet) with said cutback to a 5/8-inch iron rod
2 with cap set for an angle point of this tract;

3 THENCE; North 67° 08' 54" West - 84.71 feet (called North 67°
4 09' 53" West - 85.00 feet) with the northeasterly right-of-way line
5 of said Reading Road to the POINT OF BEGINNING and containing 121.81
6 acres (5,306,130 square feet) of land.

7 TRACT 2:

8 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
9 of Rosenberg, Fort Bend County, Texas

10 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
11 of land in the Jane H. Long League, Abstract No. 55, City of
12 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
13 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
14 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
15 County Plat Records; said tract being more particularly described
16 by metes and bounds as follows with the bearings being based on
17 Texas State Plane Coordinate System, South Central Zone (NAD83) per
18 GPS Observations on May 07, 2004 using National Geodetic Survey
19 Continuously Operating Reference Stations:

20 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
21 northeasterly right-of-way line of Reading Road (60 feet wide) for
22 a southwesterly corner of said Reserve "H";

23 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
24 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
25 Bend Business Center, according to the map or plat recorded under
26 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
27 iron pipe found;

1 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North
2 22° 12' 40" East) with the southeasterly line of a called 49.6426
3 acre tract of land described as "Tract B" conveyed to Nancy
4 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
5 Bend County Deed Records, with the southeasterly line of a called
6 49.6426 acre tract of land described as "Tract A" conveyed to Thelma
7 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
8 Bend County Deed Records and with the northwesterly line of said
9 Reserve "H" to a 2-inch iron pipe found for corner,

10 THENCE; South 68° 04' 11" East - 790.00 feet to a point for the
11 southwesterly corner and POINT OF BEGINNING of this tract;

12 THENCE; North 21' 55' 49" East - 100.00 feet to a point for the
13 northwesterly corner of this tract;

14 THENCE; South 68° 04' 11 " East - 60.00 feet to a point for the
15 northeasterly corner of this tract;

16 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
17 southeasterly corner of this tract;

18 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF
19 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

20 TRACT 3:

21 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
22 of Rosenberg, Fort Bend County, Texas

23 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
24 of land in the Jane H. Long League, Abstract No. 55, City of
25 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
26 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
27 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend

1 County Plat Records; said tract being more particularly described
2 by metes and bounds as follows with the bearings being based on
3 Texas State Plane Coordinate System, South Central Zone (NAD83) per
4 GPS Observations on May 07, 2004 using National Geodetic Survey
5 Continuously Operating Reference Stations:

6 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
7 northeasterly right-of-way line of Reading Road (60 feet wide) for
8 a southwesterly corner of said Reserve "H";

9 THENCE; North 22° 17' 11" East- 1,438.33 feet (called North
10 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
11 Bend Business Center, according to the map or plat recorded under
12 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
13 iron pipe found;

14 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North
15 22° 12' 40" East) with the southeasterly line of a called 49.6426
16 acre tract of land described as "Tract B" conveyed to Nancy
17 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
18 Bend County Deed Records, with the southeasterly line of a called
19 49.6426 acre tract of land described as "Tract A" conveyed to Thelma
20 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
21 Bend County Deed Records and with the northwesterly line of said
22 Reserve "H" to a 2-inch iron pipe found for corner,

23 THENCE; South 68° 04' 11" East - 730.00 feet to a point for the
24 southwesterly corner and POINT OF BEGINNING of this tract;

25 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the
26 northwesterly corner of this tract;

27 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the

1 northeasterly corner of this tract;

2 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
3 southeasterly corner of this tract;

4 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF
5 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

6 TRACT 4:

7 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
8 of Rosenberg, Fort Bend County, Texas

9 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
10 of land in the Jane H. Long League, Abstract No. 55, City of
11 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
12 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
13 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
14 County Plat Records; said tract being more particularly described
15 by metes and bounds as follows with the bearings being based on
16 Texas State Plane Coordinate System, South Central Zone (NAD83) per
17 GPS Observations on May 07, 2004 using National Geodetic Survey
18 Continuously Operating Reference Stations:

19 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
20 northeasterly right-of-way line of Reading Road (60 feet wide) for
21 a southwesterly corner of said Reserve "H";

22 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
23 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
24 Bend Business Center, according to the map or plat recorded under
25 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
26 iron pipe found;

27 THENCE; North 22° 13' 39" East -1,438.40 feet (called North

1 22° 12' 40" East) with the southeasterly line of a called 49.6426
2 acre tract of land described as "Tract B" conveyed to Nancy
3 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
4 Bend County Deed Records, with the southeasterly line of a called
5 49.6426 acre tract of land described as 'Tract A" conveyed to Thelma
6 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
7 Bend County Deed Records and with the northwesterly line of said
8 Reserve "H" to a 2-inch iron pipe found for corner;

9 THENCE; South 68° 04' 11" East - 670.00 feet to a point for the
10 southwesterly corner and POINT OF BEGINNING of this tract;

11 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the
12 northwesterly corner of this tract;

13 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the
14 northeasterly corner of this tract;

15 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
16 southeasterly corner of this tract;

17 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF
18 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

19 TRACT 5:

20 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
21 of Rosenberg, Fort Bend County, Texas

22 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
23 of land in the Jane H. Long League, Abstract No. 55, City of
24 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
25 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
26 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
27 County Plat Records; said tract being more particularly described

1 by metes and bounds as follows with the bearings being based on
2 Texas State Plane Coordinate System, South Central Zone (NAD83) per
3 GPS Observations on May 07, 2004 using National Geodetic Survey
4 Continuously Operating Reference Stations:

5 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
6 northeasterly right-of-way line of Reading Road (60 feet wide) for
7 a southwesterly corner of said Reserve "H";

8 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
9 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
10 Bend Business Center, according to the map or plat recorded under
11 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
12 iron pipe found;

13 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North
14 22° 12' 40" East) with the southeasterly line of a called 49.6426
15 acre tract of land described as "Tract B" conveyed to Nancy
16 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
17 Bend County Deed Records, with the southeasterly line of a called
18 49.6426 acre tract of land described as "Tract A" conveyed to Thelma
19 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
20 Bend County Deed Records and with the northwesterly line of said
21 Reserve "H" to a 2-inch iron pipe found for corner;

22 THENCE; South 68° 04' 11" East - 610.00 feet to a point for the
23 southwesterly corner and POINT OF BEGINNING of this tract;

24 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the
25 northwesterly corner of this tract;

26 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the
27 northeasterly corner of this tract;

1 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
2 southeasterly corner of this tract;

3 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF
4 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

5 TRACT 6:

6 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
7 of Rosenberg, Fort Bend County, Texas

8 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
9 of land in the Jane H. Long League, Abstract No. 55, City of
10 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
11 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
12 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
13 County Plat Records; said tract being more particularly described
14 by metes and bounds as follows with the bearings being based on
15 Texas State Plane Coordinate System, South Central Zone (NAD83) per
16 GPS Observations on May 07, 2004 using National Geodetic Survey
17 Continuously Operating Reference Stations:

18 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
19 northeasterly right-of-way line of Reading Road (60 feet wide) for
20 a southwesterly corner of said Reserve "H";

21 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
22 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
23 Bend Business Center, according to the map or plat recorded under
24 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
25 iron pipe found;

26 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North
27 22° 12' 40" East) with the southeasterly line of a called 49.6426

1 acre tract of land described as "Tract B" conveyed to Nancy
2 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
3 Bend County Deed Records, with the southeasterly line of a called
4 49.6426 acre tract of land described as "Tract A" conveyed to Thelma
5 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
6 Bend County Deed Records and with the northwesterly line of said
7 Reserve "H" to a 2-inch iron pipe found for corner;

8 THENCE; South 68° 04' 11" East - 550.0,0 feet to a point for
9 the southwesterly corner and POINT OF BEGINNING of this tract;

10 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the
11 northwesterly corner of this tract;

12 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the
13 northeasterly corner of this tract;

14 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
15 southeasterly corner of this tract;

16 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF
17 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

18 SECTION 3. The legislature finds that: (1) proper and
19 legal notice of the intention to introduce this Act, setting forth
20 the general substance of this Act, has been published as provided by
21 law, and the notice and a copy of this Act have been furnished to all
22 persons, agencies, officials, or entities to which they are
23 required to be furnished by the constitution and laws of this state,
24 including the governor, who has submitted the notice and Act to the
25 Texas Commission on Environmental Quality;

26 (2) the Texas Commission on Environmental Quality has
27 filed its recommendations relating to this Act with the governor,

1 lieutenant governor, and speaker of the house of representatives
2 within the required time;

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

7 (4) all requirements of the constitution and laws of
8 this state and the rules and procedures of the legislature with
9 respect to the notice, introduction, and passage of this Act have
10 been fulfilled and accomplished.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.