

By: Dawson, Allen of Harris

H.B. No. 3492

Substitute the following for H.B. No. 3492:

By: Blake

C.S.H.B. No. 3492

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Pearland Municipal Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3838 to read as follows:

CHAPTER 3838. PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3838.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Pearland Municipal Management District No. 1.

(3) "Economic development corporation" means a corporation created under the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes).

Sec. 3838.002. PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 1. The Pearland Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3838.003. 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

1 chapter. By creating the district and in authorizing the City of
2 Pearland, Harris County, and other political subdivisions to
3 contract with the district, the legislature has established a
4 program to accomplish the public purposes set out in Section 52-a,
5 Article III, Texas Constitution.

6 (b) The creation of the district is necessary to promote,
7 develop, encourage, and maintain employment, commerce,
8 transportation, housing, tourism, recreation, the arts,
9 entertainment, economic development, safety, and the public
10 welfare in the district.

11 (c) This chapter and the creation of the district may not be
12 interpreted to relieve Harris County or the City of Pearland from
13 providing the level of services provided as of the effective date of
14 this Act, to the area in the district. The district is created to
15 supplement and not to supplant the county or city services provided
16 in the area in the district.

17 Sec. 3838.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
18 The district is created to serve a public use and benefit.

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

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

26 (1) further the public purposes of developing and
27 diversifying the economy of the state;

1 (2) eliminate unemployment and underemployment; and

2 (3) develop or expand transportation and commerce.

3 (d) The district will:

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

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

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

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

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

22 Sec. 3838.005. DISTRICT TERRITORY. (a) The district is
23 composed of the territory described by Section 2 of the Act enacting
24 this chapter, as that territory may have been modified under:

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

26 (2) other law.

27 (b) The boundaries and field notes of the district contained

1 in Section 2 of the Act enacting this chapter form a closure. A
2 mistake in the field notes or in copying the field notes in the
3 legislative process does not in any way affect the district's:

4 (1) organization, existence, or validity;

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

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

9 (4) legality or operation.

10 Sec. 3838.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

11 All or any part of the area of the district is eligible to be
12 included in:

13 (1) a tax increment reinvestment zone created by the
14 City of Pearland under Chapter 311, Tax Code;

15 (2) a tax abatement reinvestment zone created by the
16 City of Pearland under Chapter 312, Tax Code; or

17 (3) an enterprise zone created by the City of Pearland
18 under Chapter 2303, Government Code.

19 Sec. 3838.007. LIBERAL CONSTRUCTION OF CHAPTER. This
20 chapter shall be liberally construed in conformity with the
21 findings and purposes stated in this chapter.

22 Sec. 3838.008. APPLICABILITY OF MUNICIPAL MANAGEMENT
23 DISTRICTS LAW. Except as otherwise provided by this chapter,
24 Chapter 375, Local Government Code, applies to the district.

25 [Sections 3838.009-3838.050 reserved for expansion]

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Sec. 3838.051. BOARD OF DIRECTORS; TERMS. The district is

1 governed by a board of five directors who serve staggered terms of
2 four years, with two or three directors' terms expiring June 1 of
3 each odd-numbered year.

4 Sec. 3838.052. APPOINTMENT OF DIRECTORS. The mayor and
5 members of the governing body of the City of Pearland shall appoint
6 directors from persons recommended by the board. A person is
7 appointed if a majority of the members of the governing body,
8 including the mayor, vote to appoint that person.

9 Sec. 3838.053. QUORUM. For purposes of determining the
10 requirements for a quorum, the following are not counted:

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

13 (2) a director who is abstaining from participation in
14 a vote because of a conflict of interest.

15 Sec. 3838.054. INITIAL VOTING DIRECTORS. (a) The initial
16 board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Steve Varney</u>
<u>2</u>	<u>Pamela Diane Crawford</u>
<u>3</u>	<u>Scipio Spinks</u>
<u>4</u>	<u>Florida Dotson</u>
<u>5</u>	<u>Jack Burchfield</u>

23 (b) Of the initial directors, the terms of directors
24 appointed for positions 1 through 3 expire June 1, 2007, and the
25 terms of directors appointed for positions 4 and 5 expire June 1,
26 2009.

27 (c) Section 3838.052 does not apply to this section.

1 (d) This section expires September 1, 2009.

2 [Sections 3838.055-3838.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 3838.101. ADDITIONAL POWERS OF DISTRICT. The district
5 may exercise the powers given to an economic development
6 corporation under Section 4B, Development Corporation Act of 1979
7 (Article 5190.6, Vernon's Texas Civil Statutes), including the
8 power to own, operate, acquire, construct, lease, improve, or
9 maintain a project described by that section.

10 Sec. 3838.102. NONPROFIT CORPORATION. (a) The board by
11 resolution may authorize the creation of a nonprofit corporation to
12 assist and act for the district in implementing a project or
13 providing a service authorized by this chapter.

14 (b) The nonprofit corporation:

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

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

20 (c) The board shall appoint the board of directors of the
21 nonprofit corporation. The board of directors of the nonprofit
22 corporation shall serve in the same manner as the board of directors
23 of a local government corporation created under Chapter 431,
24 Transportation Code, except that a member of the board of the
25 nonprofit corporation is not required to reside in the district.

26 Sec. 3838.103. AGREEMENTS; GRANTS. (a) The district may
27 make an agreement with or accept a gift, grant, or loan from any

1 person.

2 (b) The implementation of a project is a governmental
3 function or service for the purposes of Chapter 791, Government
4 Code.

5 Sec. 3838.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
6 To protect the public interest, the district may contract with a
7 qualified party, including Harris County or the City of Pearland,
8 to provide law enforcement services in the district for a fee.

9 Sec. 3838.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
10 district may join and pay dues to an organization that:

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

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

15 Sec. 3838.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
16 district may establish and provide for the administration of one or
17 more programs to promote state or local economic development and to
18 stimulate business and commercial activity in the district,
19 including programs to:

20 (1) make loans and grants of public money, including
21 bond proceeds; and

22 (2) provide district personnel and services.

23 (b) District improvements qualify as projects for funding
24 by an economic development corporation.

25 (c) For purposes of this section, the district has all of
26 the powers of a municipality under Chapter 380, Local Government
27 Code.

1 (d) The district is eligible to receive grants from a
2 municipality under Chapter 380, Local Government Code.

3 Sec. 3838.107. NO EMINENT DOMAIN. The district may not
4 exercise the power of eminent domain.

5 [Sections 3838.108–3838.150 reserved for expansion]

6 SUBCHAPTER D. PARKING FACILITIES

7 Sec. 3838.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
8 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease
9 as lessor or lessee, construct, develop, own, operate, and maintain
10 parking facilities or a system of parking facilities, including:

11 (1) lots, garages, parking terminals, or other
12 structures or accommodations for parking motor vehicles off the
13 streets; and

14 (2) equipment, entrances, exits, fencing, and other
15 accessories necessary for safety and convenience in parking
16 vehicles.

17 (b) A parking facility of the district may be leased to, or
18 operated for the district by, an entity other than the district.

19 (c) The district's parking facilities serve the public
20 purposes of the district and are owned, used, and held for a public
21 purpose even if leased or operated by a private entity for a term of
22 years.

23 Sec. 3838.152. RULES FOR PARKING SYSTEM. (a) The district
24 may adopt rules covering its public parking system.

25 (b) Rules adopted under this section that relate to or
26 affect the use of the public right-of-way or a requirement for
27 off-street parking are subject to all applicable municipal charter,

1 code, and ordinance requirements.

2 Sec. 3838.153. PAYING COST OF PARKING FACILITIES. (a) The
3 district may use any of its resources, including revenue,
4 assessments, taxes, or grant or contract proceeds, to pay the cost
5 of acquiring or operating a system of public parking facilities.

6 (b) The district may:

7 (1) set, charge, impose, and collect fees, charges, or
8 tolls for the use of the public parking facilities; and

9 (2) issue bonds or notes to finance the cost of these
10 facilities.

11 [Sections 3838.154-3838.200 reserved for expansion]

12 SUBCHAPTER E. FINANCIAL PROVISIONS

13 Sec. 3838.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
14 board by resolution shall establish the number of directors'
15 signatures and the procedure required for a disbursement or
16 transfer of the district's money.

17 Sec. 3838.202. AUTHORIZATION FOR IMPROVEMENTS OR SERVICES.
18 The district may acquire, construct, finance, operate, or maintain
19 any improvement or service authorized under this chapter or Chapter
20 375, Local Government Code.

21 Sec. 3838.203. PETITION REQUIRED FOR FINANCING SERVICES AND
22 IMPROVEMENTS. (a) The board may not finance a service or
23 improvement project with assessments under this chapter unless a
24 written petition requesting that service or improvement has been
25 filed with the board.

26 (b) A petition requesting a project financed by assessment
27 must be signed by the owners of a majority of the assessed value of

1 real property in the district subject to assessment according to
2 the most recent certified tax appraisal roll for Harris County.

3 Sec. 3838.204. AD VALOREM TAX. (a) If authorized at an
4 election held in accordance with Section 3838.208, the district may
5 impose an annual ad valorem tax on taxable property in the district
6 to:

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

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

12 (c) Section 54.601, Water Code, applies to the district.

13 Sec. 3838.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
14 The board by resolution may impose and collect an assessment for any
15 purpose authorized by this chapter.

16 (b) An assessment, a reassessment, or an assessment
17 resulting from an addition to or correction of the assessment roll
18 by the district, penalties and interest on an assessment or
19 reassessment, an expense of collection, and reasonable attorney's
20 fees incurred by the district:

21 (1) are a first and prior lien against the property
22 assessed;

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

26 (3) are the personal liability of and a charge against
27 the owners of the property even if the owners are not named in the

1 assessment proceedings.

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

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

10 Sec. 3838.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
11 ASSESSMENTS. The district may not impose an impact fee or
12 assessment on the property, including the equipment,
13 rights-of-way, facilities, or improvements of:

14 (1) an electric utility or a power generation company
15 as defined by Section 31.002, Utilities Code;

16 (2) a gas utility as defined by Section 101.003 or
17 121.001, Utilities Code;

18 (3) a telecommunications provider as defined by
19 Section 51.002, Utilities Code; or

20 (4) a person who provides to the public cable
21 television or advanced telecommunications services.

22 Sec. 3838.207. BONDS AND OTHER OBLIGATIONS. (a) The
23 district may issue bonds or other obligations, by competitive bid
24 or negotiated sale, payable wholly or partly from taxes,
25 assessments, impact fees, revenue, grants, or other money of the
26 district, including economic development funds contributed to the
27 district by the municipality or by an economic development

1 corporation, or any combination of those sources of money, to pay
2 for any authorized purpose of the district.

3 (b) In exercising the district's power to borrow, the
4 district may issue a bond or other obligation in the form of a bond,
5 note, certificate of participation or other instrument evidencing a
6 proportionate interest in payments to be made by the district, or
7 other type of obligation. The term of a bond issued under this
8 chapter may not exceed 40 years from the date of issuance.

9 Sec. 3838.208. TAX AND BOND ELECTIONS. (a) The district
10 shall hold an election in the manner provided by Chapters 49 and 54,
11 Water Code, to obtain voter approval before the district imposes a
12 sales and use tax or an ad valorem tax or issues bonds payable from
13 ad valorem taxes.

14 (b) The board may include more than one purpose in a single
15 proposition at an election.

16 (c) Subchapter L, Chapter 375, Local Government Code, does
17 not apply to the district.

18 Sec. 3838.209. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
19 OBLIGATIONS. Except as provided by Section 375.263, Local
20 Government Code, a municipality is not required to pay a bond, note,
21 or other obligation of the district.

22 Sec. 3838.210. BIDDING REQUIREMENTS. The district's
23 requirements relating to bidding of contracts are the same as the
24 requirements for a local government corporation created under
25 Subchapter D, Chapter 431, Transportation Code.

26 Sec. 3838.211. TAX AND ASSESSMENT ABATEMENTS. The district
27 may grant in the manner authorized by Chapter 312, Tax Code, an

1 abatement for a tax or assessment owed to the district.

2 [Sections 3838.212-3838.250 reserved for expansion]

3 SUBCHAPTER F. SALES AND USE TAX

4 Sec. 3838.251. MEANINGS OF WORDS AND PHRASES. Words and
5 phrases used in this subchapter that are defined by Chapters 151 and
6 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
7 Tax Code.

8 Sec. 3838.252. APPLICABILITY OF CERTAIN TAX CODE
9 PROVISIONS. (a) Except as otherwise provided by this subchapter,
10 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
11 apply to taxes imposed under this subchapter and to the
12 administration and enforcement of those taxes in the same manner
13 that those laws apply to state taxes.

14 (b) The provisions of Subchapters B, C, and D, Chapter 321,
15 Tax Code, relating to municipal sales and use taxes apply to the
16 application, collection, change, and administration of a sales and
17 use tax imposed under this subchapter to the extent consistent with
18 this chapter, as if references in Chapter 321, Tax Code, to a
19 municipality referred to the district and references to a governing
20 body referred to the board.

21 (c) Sections 321.401-321.406 and 321.506-321.508, Tax Code,
22 do not apply to a tax imposed under this subchapter.

23 Sec. 3838.253. AUTHORIZATION; ELECTION. (a) The district
24 may adopt a sales and use tax to serve the purposes of the district
25 at an election in which a majority of the voters of the district
26 voting in the election approve the adoption of the tax.

27 (b) The board by order may call an election to adopt a sales

1 and use tax. The election may be held with any other district
2 election.

3 (c) The district shall provide notice of the election and
4 shall hold the election in the manner prescribed by Section
5 3838.208.

6 (d) The ballots shall be printed to provide for voting for
7 or against the proposition: "Adoption of a one-half of one percent
8 district sales and use tax in the Pearland Municipal Management
9 District No. 1."

10 Sec. 3838.254. ABOLISHING SALES AND USE TAX. (a) Except as
11 provided in Subsection (b), the board, with the consent of the
12 governing body of the municipality where the district is located,
13 may abolish the sales and use tax without an election.

14 (b) The board may not abolish the sales and use tax if the
15 district has outstanding debt secured by the tax.

16 Sec. 3838.255. SALES AND USE TAX RATE. (a) On adoption of
17 the tax authorized by this subchapter, there is imposed a tax of
18 one-half of one percent on the receipts from the sale at retail of
19 taxable items within the district, and an excise tax on the use,
20 storage, or other consumption within the district of taxable items
21 purchased, leased, or rented from a retailer within the district
22 during the period that the tax is in effect.

23 (b) The rate of the excise tax is the same as the rate of the
24 sales tax portion of the tax and is applied to the sales price of the
25 taxable item.

26 SECTION 2. As of the effective date of this Act, the
27 Pearland Municipal Management District No. 1 includes all territory

1 contained in the following described area:

2 TRACT 1: A parcel of land containing 88.6991 acres (3,863,734
3 square feet), more or less, out of Lots 6, 7 and 8 of the said
4 subdivision of the James Hamilton Survey and being more
5 particularly described as follows:

6 COMMENCING at a 1 inch iron pipe found at the southwest corner of
7 the said James Hamilton Survey, said point also being the southwest
8 corner of said Lot 4;

9 THENCE N 87° 35' 30" E, along the south line of the said James
10 Hamilton Survey and the south line of said Lot 4, a distance of
11 1320.00 feet to a 3/4 inch iron rod found at the southeast corner of
12 said Lot 4 and the southwest corner of Lot 5 of the said subdivision
13 of the James Hamilton Survey;

14 THENCE N 02° 24' 30" W, along the common line of said Lots 4 and 5, a
15 distance of 1320.00 feet to a found 1/2 inch iron pipe at the common
16 corner of said Lots 3, 4, 5 and 6, from said 1/2 inch iron pipe a
17 found 1 inch iron rod bear S 03° 07' 14" W, 0.98 feet in length, also
18 being the POINT OF BEGINNING of the herein described tract;

19 THENCE N 02° 24' 30" W, along the east line of Lot 2 of the said
20 subdivision of the James Hamilton Survey and said Lot 3, and the
21 west line of said Lots 7 and 8, a distance of 2200.00 feet to a 5/8
22 inch iron rod set at the northwest corner of said Lot 7 and the
23 southwest corner of said Lot 8, from said 5/8 inch iron rod and
24 found fence corner bears S 83° 57' 48" E, 21.66 feet in length;

25 THENCE N 87° 40' 21" E (called N 87° 35' 30" E), along the common line
26 of said Lots 7 and 8, a distance of 659.68 feet (called 660.00 feet)
27 to a set 5/8 inch iron rod, from said 5/8 inch iron rod found 1 inch

1 iron pipe bears S 78° 34' 01" W, 8.67 feet in length, also from said
2 5/8 inch iron rod a found fence corner bears N 88° 52' 15" W, 1.61
3 feet in length;
4 THENCE N 02° 24' 30" W, a distance of 640.18 feet to a 5/8 inch iron
5 rod set in the south line of South Belt (variable width), from said
6 5/8 inch iron rod a found 1 inch iron pipe bears S 87° 45' 03" W, 8.30
7 feet in length, also from said 5/8 inch iron rod a found fence
8 corner bears S 66° 39' 49" W, 1.37 feet in length;
9 THENCE S 89° 32' 13" E, along the south line of said South Belt, a
10 distance of 35.99 feet to a 5/8 inch iron rod set on a curve to the
11 right;
12 THENCE continuing along the south line of said South Belt and along
13 a fence line and said curve to the right, having a radius of 881.47
14 feet, through a central angle of 46° 25' 21", a distance of 714.19
15 feet to a set 5/8 inch iron rod, said curve having a chord which
16 bears S 66° 19' 32" E, 694.81 feet in length;
17 THENCE S 02° 24' 30" E, a distance of 332.88 feet to a set 5/8 inch
18 iron rod;
19 THENCE N 87° 35' 30" E, a distance of 179.39 feet to a 5/8 inch iron
20 rod set on the west line of State Highway 288 (variable width) and
21 on a curve to the right;
22 THENCE along the west line of said State Highway 288, a fence line
23 and said curve to the right, having a radius of 881.47 feet, through
24 a central angle of 11° 55' 32", a distance of 183.47 feet to a found
25 concrete monument, said curve having a chord which bears S 12° 22'
26 47" E, 183.14 feet in length;
27 THENCE S 06° 25' 01" E, continuing along the west line of said State

1 Highway 288 and a fence line, a distance of 1811.66 feet (called
2 1811.72 feet) to a found concrete monument;
3 THENCE S 02° 38' 57" E (called S 02° 52' 57" E), continuing along the
4 west line of said State Highway 288 and a fence line, a distance of
5 209.95 feet (called 212.35 feet) to a fence corner found in the
6 south line of said Lot 6 and the north line of said Lot 5;
7 THENCE S 87° 32' 19" W (called S 87° 35'.30" W), along the south line
8 of said Lot 6 and the north line of said Lot 5, a distance of 1658.31
9 feet (called 1659.51 feet) to the POINT OF BEGINNING and containing
10 88.6991 acres (3,863,734 square feet) of land.
11 TRACT II: A parcel of land containing 9.0000 acres (392,040 square
12 feet), more or less, out of Lot 3 of the said subdivision of the
13 James Hamilton Survey and being more particularly described as
14 follows:
15 COMMENCING at a 1 inch iron pipe found at the southwest corner of
16 the said James Hamilton Survey, said point also being the southwest
17 corner of said Lot 4;
18 THENCE N 02° 24' 30" W, along the west lines of the said James
19 Hamilton Survey and said Lot 4, a distance of 1320.00 feet to a 5/8
20 inch iron rod set at the southwest corner of said Lot 4 and the
21 southwest corner of said Lot 3 for the POINT OF BEGINNING of the
22 herein described tract.
23 THENCE N 02° 24' 30" W, continuing along the west line of the said
24 James Hamilton Survey and along the west line of said Lot 3, a
25 distance of 594.00 feet to a set 5/8 inch iron rod;
26 THENCE N 87° 35' 30" E, a distance of 660.00 feet to a set 5/8 inch
27 iron rod;

1 THENCE S 02° 24' 30" E, a distance of 594.00 feet to a 5/8 inch iron
2 rod set in the common line of said Lots 3 and 4;

3 THENCE S 87° 35' 30" W, along the common line of said Lots 3 and 4, a
4 distance of 660.00 feet to the POINT OF BEGINNING and containing
5 9.0000 acre (392;040 square feet) of land.

6 TRACT III: A parcel of land containing 5.0000 acres (217,800 square
7 feet), more or less, out of Lot 4 of the said subdivision of the
8 James Hamilton Survey and being more particularly described as
9 follows:

10 COMMENCING at a 1 inch iron pipe found at the southwest corner of
11 the said James Hamilton Survey, said point also being the southwest
12 corner of said Lot 4;

13 THENCE N 02° 24' 30" W, along the west lines of the said James
14 Hamilton Survey and said Lot 4, a distance of 990.00 feet to a 5/8
15 inch iron rod set for the POINT OF BEGINNING;

16 THENCE N 02° 24' 30" W, continuing along the west lines of the said
17 James Hamilton Survey and said Lot 4, a distance of 330.00 feet to a
18 5/8 inch iron rod set at the northwest corner of said Lot 4 and
19 southwest corner of said Lot 3;

20 THENCE N 87° 35' 30" E, along the common line of said Lots 3 and 4, a
21 distance of 660.00 feet to a set 5/8 inch iron rod;

22 THENCE S 02° 24' 30" E, a distance of 330.00 feet to a set 5/8 inch
23 iron rod;

24 THENCE S 87° 35' 30" W, a distance of 660.00 feet to the POINT OF
25 BEGINNING and containing 5.0000 acres (217,800 square feet) of
26 land.

27 TRACT IV: A parcel of land containing 5.0000 acres (217,800 square

1 feet), more or less, out of Lot 3 of the said subdivision of the
2 James Hamilton Survey and being more particularly described as
3 follows:

4 COMMENCING at a 1 inch iron pipe found at the southwest corner of
5 the said James Hamilton Survey, said point also being the southwest
6 corner of said Lot 4;

7 THENCE N 87° 35' 30" E, along the south lines of the said James
8 Hamilton Survey and the said Lot 4, a distance of 1320.00 feet to a
9 3/4 inch iron rod found at the southeast corner of said Lot 4 and the
10 southwest corner of Lot 5 of said subdivision of the James Hamilton
11 Survey;

12 THENCE N 02° 24' 30" W, along the common line of said Lots 4 and 5, a
13 distance of 1320.00 feet to a 1/2 inch iron pipe found at the common
14 corner of said Lots 3, 4, 5 and 6, from said 1/2 inch iron pipe a
15 found 1 inch iron rod bears S 03° 07' 14" W, 0.98 feet in length, also
16 from said 1/2 inch iron pipe a found fence corner bears S 87° 53' 08"
17 E, 0.88 feet in length, said 1/2 inch iron pipe also being the POINT
18 OF BEGINNING of the herein described tract;

19 THENCE S 87° 35' 30" W, along the common line of said Lots 3 and 4, a
20 distance of 660.00 feet to a set 5/8 inch iron rod;

21 THENCE N 02° 24' 30" W, a distance of 330.00 feet to a set 5/8 inch
22 iron rod;

23 THENCE N 87° 35' 30" E, a distance of 660.00 feet to a 5/8 inch iron
24 rod set in the common line of said Lots 3 and 6;

25 THENCE S 02° 24' 30" E, along the common line of said Lots 3 and 6, a
26 distance of 330.00 feet to the POINT OF BEGINNING and containing
27 5.0000 acres (217,800 square feet) of land.

1 TRACT V: A parcel of land containing 5.000 acres (217,800 square
2 feet), more or less, out of Lot 3 of the said subdivision of the
3 James Hamilton Survey and being more particularly described as
4 follows:

5 COMMENCING at a 1 inch iron pipe found at the southwest corner of
6 the said James Hamilton Survey, said point also being the southwest
7 corner of said Lot 4;

8 THENCE N 87° 35' 30" E, along the south lines of the said James
9 Hamilton Survey and said Lot 4, a distance of 1320.00 feet to a 3/4
10 inch iron rod found at the southeast corner of said Lot 4 and the
11 southwest corner of Lot 5 of the said subdivision of the James
12 Hamilton Survey;

13 THENCE N 02° 24' 30" W, along the common line of said Lots 4 and 5, at
14 a distance of 1320.00 feet pass a 1/2 inch iron pipe found at the
15 common corner of said Lots 3, 4, 5 and 6, from said 1/2 inch iron pipe
16 a found 1 inch iron rod bears S 03° 07' 14" W, 0.98 feet in length,
17 also from said 1/2 inch iron pipe a found fence corner bears S 87°
18 53' 08" E, 0.88 feet in length, in all a distance of 1650.00 feet to
19 a 5/8 inch rod set for the POINT OF BEGINNING;

20 THENCE S 87° 35' 30" W, a distance of 660.00 feet to a set 5/8 inch
21 iron rod;

22 THENCE N 02° 24' 30" W, a distance of 330.00 feet to a 5/8 inch iron
23 rod;

24 THENCE N 87° 35' 30" E, a distance of 660.00 feet to a 5/8 inch iron
25 rod set in the common line of said Lots 3 and 6;

26 THENCE S 02° 24' 30" E, along the common line of said Lots 3 and 6, a
27 distance of 330.00 feet to the POINT OF BEGINNING and containing

1 5.0000 acres (217,800 square feet) of land.

2 TRACT VI: A parcel of land containing 5.0000 acres (217,800 square
3 feet), more or less, out of Lot 4 of the said subdivision of the
4 James Hamilton Survey and being more particularly described as
5 follows:

6 COMMENCING at a 1 inch iron pipe found at the southwest corner of
7 the said James Hamilton Survey, said point also being the southwest
8 corner of said Lot 4;

9 THENCE N 02° 24' 30" W, along the west lines of the said James
10 Hamilton Survey and said Lot 4, a distance of 330.00 feet to a 5/8
11 inch iron rod set for the POINT OF BEGINNING;

12 THENCE N 02° 24' 30" W, continuing along the west lines of the said
13 James Hamilton Survey and said Lot 4, a distance of 330.00 feet to a
14 set 5/8 inch iron rod;

15 THENCE N 87° 35' 30" E, a distance of 660.00 feet to a set 5/8 inch
16 iron rod;

17 THENCE S 02° 24' 30" E, a distance of 330.00 feet to a set 5/8 inch
18 iron rod;

19 THENCE 87° 35' 30" W, a distance of 660.00 feet to the POINT OF
20 BEGINNING and containing 5.0000 acres (217,800 square feet) of
21 land.

22 TRACT VII: All that certain 9.9963 acre tract or parcel of land,
23 more or less, lying and being situated in the DAVID WHITE (Assignee
24 of James Hamilton) Survey, Abstract 881, Harris County, Texas, and
25 being a portion of that certain 15 acre tract of land described in
26 deed from Julius S. Worland to J.V. King, dated August 17, 1954 and
27 recorded in Volume 2309, Page 695, Deed Records of Harris County,

1 Texas and being more particularly described as follows:

2 BEGINNING at a 1" iron pipe in the west line of the said 15 acre
3 tract, same being located South 317.96 feet from its northwest
4 corner and said beginning point also being the point of
5 intersection of the southerly right-of-way line of the proposed
6 South Belt Highway with the aforementioned west line of the 15 acre
7 tract;

8 THENCE S 87° 04' 09" E, along the southerly line of the said South
9 Belt Highway at 23.40 feet pass a concrete monument, in all 660.87
10 feet to a 1" iron pipe for corner in the east line of the said 15
11 acre tract;

12 THENCE South, along the east line of the said 15 acre tract, 641.58
13 feet to a 1" iron pipe for the southeast corner of the tract herein
14 described;

15 THENCE N 89° 41' W, along the south line of the tract 660.00 feet to a
16 1" iron pipe for its Southwest corner;

17 THENCE North, along the west line of the said 15 acre tract, 674.57
18 feet to the point or PLACE OF BEGINNING and containing as aforesaid
19 9.9963 acres of land.

20 Such tracts comprising a total of 127.6954 acres, more or less.

21 SECTION 3. The legislature finds that:

22 (1) proper and legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished by
27 the constitution and laws of this state, including the governor,

1 who has submitted the notice and Act to the Texas Commission on
2 Environmental Quality;

3 (2) the Texas Commission on Environmental Quality has
4 filed its recommendations relating to this Act with the governor,
5 lieutenant governor, and speaker of the house of representatives
6 within the required time;

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

11 (4) all requirements of the constitution and laws of
12 this state and the rules and procedures of the legislature with
13 respect to the notice, introduction, and passage of this Act have
14 been fulfilled and accomplished.

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