

By: Dawson

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 a tax and issue a bond or similar obligation.

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 services provided in the
16 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 residential neighborhood and a
10 commercially viable area; and

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

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

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

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

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

27 (2) other law.

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

5 (1) organization, existence, or validity;

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

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

10 (4) legality or operation.

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

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

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

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

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

20 Sec. 3838.007. 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 3838.008-3838.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3838.051. BOARD OF DIRECTORS; TERMS. The district is
26 governed by a board of five directors who serve staggered terms of
27 four years, with two or three directors' terms expiring June 1 of

1 each odd-numbered year.

2 Sec. 3838.052. APPOINTMENT OF DIRECTORS. (a) The mayor and
3 members of the governing body of the City of Pearland shall appoint
4 directors. The city may consider persons recommended by the board.
5 A person is appointed if a majority of the members of the governing
6 body, including the mayor, vote to appoint that person.

7 (b) Not later than 30 days before nominating a director, the
8 board shall solicit from the property owners in the district the
9 names of proposed directors in a manner of the board's choosing.
10 The board may nominate for appointment as directors persons from a
11 list of names solicited under this subsection.

12 Sec. 3838.053. QUORUM. Vacant director positions are not
13 counted for the purposes of establishing a board quorum.

14 Sec. 3838.054. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.
15 (a) Except as provided by this section:

16 (1) a director may participate in all board votes and
17 decisions; and

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

20 (b) Section 171.004, Local Government Code, does not apply
21 to the district. A director who has a substantial interest in a
22 business or charitable entity that will receive a pecuniary benefit
23 from a board action shall file a one-time affidavit declaring the
24 interest. An additional affidavit is required only if the
25 director's interest changes substantially. After the affidavit is
26 filed with the board secretary, the director may participate in a
27 discussion or vote on that action if:

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

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

5 (c) For purposes of this section, a director has a
6 substantial interest in a charitable entity in the same manner that
7 a person would have a substantial interest in a business entity
8 under Section 171.002, Local Government Code.

9 Sec. 3838.055. INITIAL VOTING DIRECTORS. (a) The initial
10 board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	_____
<u>2</u>	_____
<u>3</u>	_____
<u>4</u>	_____
<u>5</u>	_____

17 (b) Of the initial directors, the terms of directors
18 appointed for positions 1 through 3 expire June 1, 2007, and the
19 terms of directors appointed for positions 4 and 5 expire June 1,
20 2009.

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

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

23 [Sections 3838.056-3838.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 3838.101. ADDITIONAL POWERS OF DISTRICT. The district
26 may exercise the powers given to an economic development
27 corporation under Section 4B, Development Corporation Act of 1979

1 (Article 5190.6, Vernon's Texas Civil Statutes), including the
2 power to own, operate, acquire, construct, lease, improve, or
3 maintain a project described by that section.

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

8 (b) The nonprofit corporation:

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

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

14 (c) The board shall appoint the board of directors of the
15 nonprofit corporation. The board of directors of the nonprofit
16 corporation shall serve in the same manner as, for the same term as,
17 and on the same conditions as the board of directors of a local
18 government corporation created under Chapter 431, Transportation
19 Code.

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

23 (b) The implementation of a project is a governmental
24 function or service for the purposes of Chapter 791, Government
25 Code.

26 Sec. 3838.104. AUTHORITY TO CONTRACT FOR LAW
27 ENFORCEMENT. To protect the public interest, the district may

1 contract with a qualified party, including Harris County or the
2 City of Pearland, for the county or the city to provide law
3 enforcement services in the district for a fee.

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

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

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

10 Sec. 3838.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
11 district may establish and provide for the administration of one or
12 more programs to promote state or local economic development and to
13 stimulate business and commercial activity in the district,
14 including programs to:

15 (1) make loans and grants of public money, including
16 bond proceeds; and

17 (2) provide district personnel and services.

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

20 (c) For purposes of this section, the district has all of
21 the powers of a municipality under Chapter 380, Local Government
22 Code.

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

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

27 [Sections 3838.108–3838.150 reserved for expansion]

1 SUBCHAPTER D. PARKING FACILITIES

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

6 (1) lots, garages, parking terminals, or other
7 structures or accommodations for parking motor vehicles off the
8 streets; and

9 (2) equipment, entrances, exits, fencing, and other
10 accessories necessary for safety and convenience in parking
11 vehicles.

12 (b) A parking facility of the district must be leased to or
13 operated for the district by an entity other than the district.

14 (c) The district's parking facilities serve a public
15 purpose under Section 3838.003 and are owned, used, and held for a
16 public purpose even if leased or operated by a private entity for a
17 term of years.

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

20 (b) Rules adopted under this section that relate to or
21 affect the use of the public right-of-way or a requirement for
22 off-street parking are subject to all applicable municipal charter,
23 code, and ordinance requirements.

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

1 (b) The district may:

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

4 (2) issue bonds or notes to finance the cost of these
5 facilities.

6 [Sections 3838.154-3838.200 reserved for expansion]

7 SUBCHAPTER E. FINANCIAL PROVISIONS

8 Sec. 3838.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
9 board by resolution shall establish the number of directors'
10 signatures and the procedure required for a disbursement or
11 transfer of the district's money.

12 Sec. 3838.202. PETITION REQUIRED FOR FINANCING SERVICES AND
13 IMPROVEMENTS. (a) The board may not finance a service or
14 improvement project with assessments under this chapter unless a
15 written petition requesting that service or improvement has been
16 filed with the board.

17 (b) A petition requesting a project financed by assessment
18 must be signed by the owners of a majority of the assessed value of
19 real property in the district subject to assessment according to
20 the most recent certified tax appraisal roll for Harris County.

21 Sec. 3838.203. AD VALOREM TAX. (a) If authorized at an
22 election held in accordance with Section 3838.207, the district may
23 impose an annual ad valorem tax on taxable property in the district
24 to:

25 (1) promote economic development;

26 (2) maintain and operate the district;

27 (3) construct or acquire improvements; or

1 (4) provide a service.

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

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

4 Sec. 3838.204. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

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

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

12 (1) are a first and prior lien against the property
13 assessed;

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

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

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

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

1 Sec. 3838.205. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
2 ASSESSMENTS. The district may not impose an impact fee or
3 assessment on the property, including the equipment,
4 rights-of-way, facilities, or improvements of:

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

7 (2) a gas utility as defined by Section 101.003 or
8 121.001, Utilities Code;

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

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

13 Sec. 3838.206. BONDS AND OTHER OBLIGATIONS. (a) The
14 district may issue bonds or other obligations, by competitive bid
15 or negotiated sale, payable wholly or partly from taxes,
16 assessments, impact fees, revenue, grants, or other money of the
17 district, including economic development funds contributed to the
18 district by the municipality or by an economic development
19 corporation, or any combination of those sources of money, to pay
20 for any authorized purpose of the district.

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

27 Sec. 3838.207. TAX AND BOND ELECTIONS. (a) The district

1 shall hold an election in the manner provided by Chapters 49 and 54,
2 Water Code, to obtain voter approval before the district imposes a
3 maintenance tax or a sales and use tax or issues bonds payable from
4 ad valorem taxes.

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

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

9 Sec. 3838.208. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
10 OBLIGATIONS. Except as provided by Section 375.263, Local
11 Government Code, a municipality is not required to pay a bond, note,
12 or other obligation of the district.

13 Sec. 3838.209. COMPETITIVE BIDDING. Section 375.221, Local
14 Government Code, does not apply to the district.

15 [Sections 3838.210-3838.250 reserved for expansion]

16 SUBCHAPTER F. SALES AND USE TAX

17 Sec. 3838.251. MEANINGS OF WORDS AND PHRASES. Words and
18 phrases used in this subchapter that are defined by Chapters 151 and
19 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
20 Tax Code.

21 Sec. 3838.252. APPLICABILITY OF CERTAIN TAX CODE
22 PROVISIONS. (a) Except as otherwise provided by this subchapter,
23 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
24 apply to taxes imposed under this subchapter and to the
25 administration and enforcement of those taxes in the same manner
26 that those laws apply to state taxes.

27 (b) The provisions of Subchapters B, C, and D, Chapter 321,

1 Tax Code, relating to municipal sales and use taxes apply to the
2 application, collection, change, and administration of a sales and
3 use tax imposed under this subchapter to the extent consistent with
4 this chapter, as if references in Chapter 321, Tax Code, to a
5 municipality referred to the district and references to a governing
6 body referred to the board.

7 (c) Sections 321.401-321.406 and Subchapter F, Chapter 321,
8 Tax Code, do not apply to a tax imposed under this subchapter.

9 Sec. 3838.253. AUTHORIZATION; ELECTION. (a) The district
10 may adopt a sales and use tax for the benefit of the district at an
11 election in which a majority of the voters of the district voting in
12 the election approve the adoption of the tax.

13 (b) The board by order may call an election to adopt a sales
14 and use tax. The election may be held with any other district
15 election.

16 (c) The district shall provide notice of the election and
17 shall hold the election in the manner prescribed by Section
18 3838.207.

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

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

27 (b) The board may not abolish the sales and use tax if the

1 district has outstanding debt secured by the tax.

2 Sec. 3838.255. SALES AND USE TAX RATE. (a) On adoption of
3 the tax authorized by this subchapter, there is imposed a tax of
4 one-half of one percent on the receipts from the sale at retail of
5 taxable items within the district, and an excise tax on the use,
6 storage, or other consumption within the district of taxable items
7 purchased, leased, or rented from a retailer within the district
8 during the period that the tax is in effect.

9 (b) The rate of the excise tax is the same as the rate of the
10 sales tax portion of the tax and is applied to the sales price of the
11 taxable item.

12 SECTION 2. As of the effective date of this Act, the
13 Pearland Municipal Management District No. 1 includes all territory
14 contained in the following described area:

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

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

22 THENCE N 87° 35' 30" E, along the south line of the said James
23 Hamilton Survey and the south line of said Lot 4, a distance of
24 1320.00 feet to a 3/4 inch iron rod found at the southeast corner of
25 said Lot 4 and the southwest corner of Lot 5 of the said subdivision
26 of the James Hamilton Survey;

27 THENCE N 02° 24' 30" W, along the common line of said Lots 4 and 5, a

1 distance of 1320.00 feet to a found 1/2 inch iron pipe at the common
2 corner of said Lots 3, 4, 5 and 6, from said 1/2 inch iron pipe a
3 found 1 inch iron rod bear S 03° 07' 14" W, 0.98 feet in length, also
4 being the POINT OF BEGINNING of the herein described tract;
5 THENCE N 02° 24' 30" W, along the east line of Lot 2 of the said
6 subdivision of the James Hamilton Survey and said Lot 3, and the
7 west line of said Lots 7 and 8, a distance of 2200.00 feet to a 5/8
8 inch iron rod set at the northwest corner of said Lot 7 and the
9 southwest corner of said Lot 8, from said 5/8 inch iron rod and
10 found fence corner bears S 83° 57' 48" E, 21.66 feet in length;
11 THENCE N 87° 40' 21" E (called N 87° 35' 30" E), along the common line
12 of said Lots 7 and 8, a distance of 659.68 feet (called 660.00 feet)
13 to a set 5/8 inch iron rod, from said 5/8 inch iron rod found 1 inch
14 iron pipe bears S 78° 34' 01" W, 8.67 feet in length, also from said
15 5/8 inch iron rod a found fence corner bears N 88° 52' 15" W, 1.61
16 feet in length;
17 THENCE N 02° 24' 30" W, a distance of 640.18 feet to a 5/8 inch iron
18 rod set in the south line of South Belt (variable width), from said
19 5/8 inch iron rod a found 1 inch iron pipe bears S 87° 45' 03" W, 8.30
20 feet in length, also from said 5/8 inch iron rod a found fence
21 corner bears S 66° 39' 49" W, 1.37 feet in length;
22 THENCE S 89° 32' 13" E, along the south line of said South Belt, a
23 distance of 35.99 feet to a 5/8 inch iron rod set on a curve to the
24 right;
25 THENCE continuing along the south line of said South Belt and along
26 a fence line and said curve to the right, having a radius of 881.47
27 feet, through a central angle of 46° 25' 21", a distance of 714.19

1 feet to a set 5/8 inch iron rod, said curve having a chord which
2 bears S 66° 19' 32" E, 694.81 feet in length;
3 THENCE S 02° 24' 30" E, a distance of 332.88 feet to a set 5/8 inch
4 iron rod;
5 THENCE N 87° 35' 30" E, a distance of 179.39 feet to a 5/8 inch iron
6 rod set on the west line of State Highway 288 (variable width) and
7 on a curve to the right;
8 THENCE along the west line of said State Highway 288, a fence line
9 and said curve to the right, having a radius of 881.47 feet, through
10 a central angle of 11° 55' 32", a distance of 183.47 feet to a found
11 concrete monument, said curve having a chord which bears S 12° 22'
12 47" E, 183.14 feet in length;
13 THENCE S 06° 25' 01" E, continuing along the west line of said State
14 Highway 288 and a fence line, a distance of 1811.66 feet (called
15 1811.72 feet) to a found concrete monument;
16 THENCE S 02° 38' 57" E (called S 02° 52' 57" E), continuing along the
17 west line of said State Highway 288 and a fence line, a distance of
18 209.95 feet (called 212.35 feet) to a fence corner found in the
19 south line of said Lot 6 and the north line of said Lot 5;
20 THENCE S 87° 32' 19" W (called S 87° 35'.30" W), along the south line
21 of said Lot 6 and the north line of said Lot 5, a distance of 1658.31
22 feet (called 1659.51 feet) to the POINT OF BEGINNING and containing
23 88.6991 acres (3,863,734 square feet) of land.
24 TRACT II: A parcel of land containing 9.0000 acres (392,040 square
25 feet), more or less, out of Lot 3 of the said subdivision of the
26 James Hamilton Survey and being more particularly described as
27 follows:

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

4 THENCE N 02° 24' 30" W, along the west lines of the said James
5 Hamilton Survey and said Lot 4, a distance of 1320.00 feet to a 5/8
6 inch iron rod set at the southwest corner of said Lot 4 and the
7 southwest corner of said Lot 3 for the POINT OF BEGINNING of the
8 herein described tract.

9 THENCE N 02° 24' 30" W, continuing along the west line of the said
10 James Hamilton Survey and along the west line of said Lot 3, a
11 distance of 594.00 feet to a set 5/8 inch iron rod;

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

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

16 THENCE S 87° 35' 30" W, along the common line of said Lots 3 and 4, a
17 distance of 660.00 feet to the POINT OF BEGINNING and containing
18 9.0000 acre (392;040 square feet) of land.

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

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

26 THENCE N 02° 24' 30" W, along the west lines of the said James
27 Hamilton Survey and said Lot 4, a distance of 990.00 feet to a 5/8

1 inch iron rod set for the POINT OF BEGINNING;
2 THENCE N 02° 24' 30" W, continuing along the west lines of the said
3 James Hamilton Survey and said Lot 4, a distance of 330.00 feet to a
4 5/8 inch iron rod set at the northwest corner of said Lot 4 and
5 southwest corner of said Lot 3;
6 THENCE N 87° 35' 30" E, along the common line of said Lots 3 and 4, a
7 distance of 660.00 feet to a set 5/8 inch iron rod;
8 THENCE S 02° 24' 30" E, a distance of 330.00 feet to a set 5/8 inch
9 iron rod;
10 THENCE S 87° 35' 30" W, a distance of 660.00 feet to the POINT OF
11 BEGINNING and containing 5.0000 acres (217,800 square feet) of
12 land.
13 TRACT IV: A parcel of land containing 5.0000 acres (217,800 square
14 feet), more or less, out of Lot 3 of the said subdivision of the
15 James Hamilton Survey and being more particularly described as
16 follows:
17 COMMENCING at a 1 inch iron pipe found at the southwest corner of
18 the said James Hamilton Survey, said point also being the southwest
19 corner of said Lot 4;
20 THENCE N 87° 35' 30" E, along the south lines of the said James
21 Hamilton Survey and the said Lot 4, a distance of 1320.00 feet to a
22 3/4 inch iron rod found at the southeast corner of said Lot 4 and the
23 southwest corner of Lot 5 of said subdivision of the James Hamilton
24 Survey;
25 THENCE N 02° 24' 30" W, along the common line of said Lots 4 and 5, a
26 distance of 1320.00 feet to a 1/2 inch iron pipe found at the common
27 corner of said Lots 3, 4, 5 and 6, from said 1/2 inch iron pipe a

1 found 1 inch iron rod bears S 03° 07' 14" W, 0.98 feet in length, also
2 from said 1/2 inch iron pipe a found fence corner bears S 87° 53' 08"
3 E, 0.88 feet in length, said 1/2 inch iron pipe also being the POINT
4 OF BEGINNING of the herein described tract;

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

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

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

11 THENCE S 02° 24' 30" E, along the common line of said Lots 3 and 6, a
12 distance of 330.00 feet to the POINT OF BEGINNING and containing
13 5.0000 acres (217,800 square feet) of land.

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

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

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

26 THENCE N 02° 24' 30" W, along the common line of said Lots 4 and 5, at
27 a distance of 1320.00 feet pass a 1/2 inch iron pipe found at the

1 common corner of said Lots 3, 4, 5 and 6, from said $\frac{1}{2}$ inch iron pipe
2 a found 1 inch iron rod bears S 03° 07' 14" W, 0.98 feet in length,
3 also from said $\frac{1}{2}$ inch iron pipe a found fence corner bears S 87°
4 53' 08" E, 0.88 feet in length, in all a distance of 1650.00 feet to
5 a $\frac{5}{8}$ inch rod set for the POINT OF BEGINNING;

6 THENCE S 87° 35' 30" W, a distance of 660.00 feet to a set $\frac{5}{8}$ inch
7 iron rod;

8 THENCE N 02° 24' 30" W, a distance of 330.00 feet to a $\frac{5}{8}$ inch iron
9 rod;

10 THENCE N 87° 35' 30" E, a distance of 660.00 feet to a $\frac{5}{8}$ inch iron
11 rod set in the common line of said Lots 3 and 6;

12 THENCE S 02° 24' 30" E, along the common line of said Lots 3 and 6, a
13 distance of 330.00 feet to the POINT OF BEGINNING and containing
14 5.0000 acres (217,800 square feet) of land.

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

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

22 THENCE N 02° 24' 30" W, along the west lines of the said James
23 Hamilton Survey and said Lot 4, a distance of 330.00 feet to a $\frac{5}{8}$
24 inch iron rod set for the POINT OF BEGINNING;

25 THENCE N 02° 24' 30" W, continuing along the west lines of the said
26 James Hamilton Survey and said Lot 4, a distance of 330.00 feet to a
27 set $\frac{5}{8}$ inch iron rod;

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

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

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

8 TRACT VII: All that certain 9.9963 acre tract or parcel of land,
9 more or less, lying and being situated in the DAVID WHITE (Assignee
10 of James Hamilton) Survey, Abstract 881, Harris County, Texas, and
11 being a portion of that certain 15 acre tract of land described in
12 deed from Julius S. Worland to J.V. King, dated August 17, 1954 and
13 recorded in Volume 2309, Page 695, Deed Records of Harris County,
14 Texas and being more particularly described as follows:

15 BEGINNING at a 1" iron pipe in the west line of the said 15 acre
16 tract, same being located South 317.96 feet from its northwest
17 corner and said beginning point also being the point of
18 intersection of the southerly right-of-way line of the proposed
19 South Belt Highway with the aforementioned west line of the 15 acre
20 tract;

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

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

1 THENCE N 89° 41' W, along the south line of the tract 660.00 feet to a
2 1" iron pipe for its Southwest corner;
3 THENCE North, along the west line of the said 15 acre tract, 674.57
4 feet to the point or PLACE OF BEGINNING and containing as aforesaid
5 9.9963 acres of land.

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

7 SECTION 3. The legislature finds that:

8 (1) proper and legal notice of the intention to
9 introduce this Act, setting forth the general substance of this
10 Act, has been published as provided by law, and the notice and a
11 copy of this Act have been furnished to all persons, agencies,
12 officials, or entities to which they are required to be furnished by
13 the constitution and laws of this state, including the governor,
14 who has submitted the notice and Act to the Texas Commission on
15 Environmental Quality;

16 (2) the Texas Commission on Environmental Quality has
17 filed its recommendations relating to this Act with the governor,
18 lieutenant governor, and speaker of the house of representatives
19 within the required time;

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

24 (4) all requirements of the constitution and laws of
25 this state and the rules and procedures of the legislature with
26 respect to the notice, introduction, and passage of this Act have
27 been fulfilled and accomplished.

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