

By: Armbrister

S.B. No. 1873

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 167; providing authority to impose taxes 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 8142 to read as follows:

CHAPTER 8142. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT

NO. 167

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8142.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Rosenberg, Texas.

(3) "County" means Fort Bend County.

(4) "Director" means a member of the board.

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

Sec. 8142.002. NATURE OF DISTRICT. The district is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8142.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as

1 provided by Section 49.102, Water Code.

2 Sec. 8142.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
3 All land and other property included in the district will benefit
4 from the improvements and services to be provided by the district
5 under powers conferred by Section 52, Article III, and Section 59,
6 Article XVI, Texas Constitution.

7 (b) The district is created for the same purposes as:

8 (1) a municipal utility district as provided by
9 Section 54.012, Water Code;

10 (2) a road utility district created under Section 52,
11 Article III, Texas Constitution, and operating under Chapter 441,
12 Transportation Code, including the purpose of constructing,
13 acquiring, improving, maintaining, and operating roads and road
14 facilities; and

15 (3) the purchase, construction, acquisition,
16 ownership, improvement, maintenance, and operation of the public
17 works and public improvements authorized for a municipal management
18 district operating under Chapter 375, Local Government Code.

19 Sec. 8142.005. INITIAL DISTRICT TERRITORY. (a) The
20 district is initially composed of the territory described by
21 Section 2 of the Act creating this chapter.

22 (b) The boundaries and field notes contained in Section 2 of
23 the Act creating this chapter form a closure. A mistake made in the
24 field notes or in copying the field notes in the legislative process
25 does not affect the district's:

26 (1) organization, existence, or validity;

27 (2) right to issue any type of bond for the purposes

1 for which the district is created or to pay the principal of and
2 interest on a bond;

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

4 (4) legality or operation.

5 Sec. 8142.006. CONSTRUCTION OF CHAPTER. This chapter shall
6 be liberally construed in conformity with the findings and purposes
7 set forth in this chapter.

8 [Sections 8142.007-8142.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8142.051. DIRECTORS; TERMS. (a) The district is
11 governed by a board of five directors.

12 (b) Except as provided by Section 8142.053, directors serve
13 staggered four-year terms.

14 Sec. 8142.052. ELECTION OF DIRECTORS. On the uniform
15 election date in May of each even-numbered year, the appropriate
16 number of directors shall be elected.

17 Sec. 8142.053. INITIAL DIRECTORS. (a) The initial board
18 consists of:

19 (1) Lisa Prejean;

20 (2) Yvonne Cummins;

21 (3) James Swanson;

22 (4) Deana Day; and

23 (5) Jerry Schultza.

24 (b) The terms of the first three directors named in
25 Subsection (a) expire on the uniform election date in May of 2006,
26 and the terms of the last two directors named in Subsection (a)
27 expire on the uniform election date in May of 2008.

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

2 [Sections 8142.054-8142.100 reserved for expansion]

3 SUBCHAPTER C. GENERAL POWERS AND DUTIES

4 Sec. 8142.101. GENERAL POWERS AND DUTIES. The district has
5 the powers and duties necessary to accomplish the purposes for
6 which the district is created.

7 Sec. 8142.102. MUNICIPAL UTILITY DISTRICT POWERS AND
8 DUTIES. The district has the powers and duties provided by the
9 general law of this state, including Chapters 49 and 54, Water Code,
10 applicable to municipal utility districts created under Section 59,
11 Article XVI, Texas Constitution.

12 Sec. 8142.103. EMINENT DOMAIN. The district may exercise
13 the power of eminent domain as provided by Section 49.222, Water
14 Code.

15 [Sections 8142.104-8142.150 reserved for expansion]

16 SUBCHAPTER D. ADDITIONAL ROAD POWERS

17 Sec. 8142.151. ROAD PROJECTS. (a) As authorized by
18 Section 52, Article III, Texas Constitution, the district may
19 construct, acquire, improve, maintain, or operate, inside and
20 outside the district, roads and road facilities as defined by
21 Chapter 441, Transportation Code.

22 (b) The roads and road facilities authorized by Subsection
23 (a) may include drainage, landscaping, pedestrian improvements,
24 lights, signs, or signals that are incidental to the roads and their
25 construction, maintenance, or operation.

26 (c) The roads and road facilities authorized by this section
27 must meet all applicable construction standards, zoning and

1 subdivision requirements, and regulatory ordinances of the city or
2 county in whose jurisdiction the road or road facility is located.

3 (d) On completion of a road or road facility authorized by
4 this section, the district, with the consent of the city or county,
5 may convey the road or road facility to the city or county if the
6 conveyance is free of all indebtedness of the district. If the city
7 or county becomes the owner of a road or road facility, the city or
8 county is responsible for all future maintenance and upkeep and the
9 district has no further responsibility for the road or road
10 facility or its maintenance or upkeep, unless otherwise agreed to
11 by the district and the city or county.

12 Sec. 8142.152. JOINT ROAD PROJECTS. (a) A district may
13 contract with a state agency, political subdivision, or corporation
14 created under Chapter 431, Transportation Code, for a joint road
15 project.

16 (b) The contract may:

17 (1) provide for joint payment of project costs; and

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

21 (c) A contract may be a contract under Section 49.108, Water
22 Code.

23 Sec. 8142.153. REIMBURSEMENT FOR ROAD PROJECT. (a) The
24 district may:

25 (1) reimburse a private person for money spent to
26 construct a road or road facility that is dedicated or otherwise
27 transferred to public use; or

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

3 (b) The amount paid for the reimbursement or for the
4 purchase of a road or road facility under Subsection (a) may:

5 (1) include all construction costs, including
6 engineering, legal, financing, and other expenses incident to the
7 construction; or

8 (2) be at a price not to exceed the replacement cost of
9 the road or road facility as determined by the board.

10 (c) The reimbursement or purchase of a road or road facility
11 may be paid for with proceeds from the sale of the district's bonds
12 or from any other money available to the district.

13 (d) The district may enter into an agreement to use the
14 proceeds of a subsequent bond sale to reimburse a private person
15 under this section. The agreement may provide the terms and
16 conditions under which the road or road facility is to be dedicated
17 or transferred for the benefit of the public.

18 [Sections 8142.154-8142.200 reserved for expansion]

19 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

20 Sec. 8142.201. ELECTIONS REGARDING TAXES OR BONDS.

21 (a) The district may issue, without an election, bonds and other
22 obligations secured by revenue or contract payments from any lawful
23 source other than ad valorem taxation.

24 (b) The district must hold an election in the manner
25 provided by Chapters 49 and 54, Water Code, to obtain voter approval
26 before the district may impose a maintenance tax or issue bonds
27 payable from ad valorem taxes.

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

3 (d) The district may issue bonds or other obligations to
4 finance road projects under Section 52(b)(3), Article III, Texas
5 Constitution, secured wholly or partly by ad valorem taxation,
6 impose ad valorem taxes to pay the principal of and interest on the
7 obligations, and provide a sinking fund for the redemption of the
8 obligations only if the issuance is approved by a two-thirds
9 majority of the voters of the district voting at an election called
10 and held for that purpose. The total amount of bonds issued under
11 this subsection may not exceed one-fourth of the assessed market
12 value of real property of the district as determined by the chief
13 appraiser of the appraisal district that appraises property for the
14 district.

15 Sec. 8142.202. AD VALOREM TAX. (a) If authorized at an
16 election held under Section 8142.201, the district may impose an
17 annual ad valorem tax on taxable property in the district for the
18 provision of services or for the maintenance and operation of the
19 district, including the improvements constructed or acquired by the
20 district.

21 (b) The board shall determine the tax rate. The rate may not
22 exceed the rate approved at the election.

23 [Sections 8142.203-8142.250 reserved for expansion]

24 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

25 Sec. 8142.251. AUTHORITY TO ISSUE BONDS AND OTHER
26 OBLIGATIONS. (a) The district may issue bonds or other
27 obligations payable wholly or partly from ad valorem taxes, impact

1 fees, revenue, grants, or other district money, or any combination
2 of those sources, to pay for any authorized district purpose.

3 (b) In exercising the district's borrowing power, 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
6 a proportionate interest in payments to be made by the district, or
7 other type of obligation.

8 Sec. 8142.252. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
9 the time bonds or other obligations payable wholly or partly from ad
10 valorem taxes are issued:

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

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

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

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

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

23 Sec. 8142.253. BONDS FOR CONTRACT COSTS. If the district
24 enters into a contract under Section 8142.152, the district may
25 issue bonds to pay all or part of the costs of the joint road project
26 and any other payments required under the contract.

27 Sec. 8142.254. AUTHORITY OF TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY OVER ISSUANCE OF DISTRICT BONDS.

(a) Sections 49.181 and 49.182, Water Code, apply to all water, wastewater, drainage, and recreational facility projects of the district and bonds issued for those purposes.

(b) Section 49.181, Water Code, applies to all road and road facility projects and bonds issued for those purposes, but the review of the Texas Commission on Environmental Quality of the projects is limited to the financial feasibility of the projects and bonds and does not include the review or approval of the design and construction of the projects or the engineering feasibility of the projects. The commission shall adjust the requirements of written applications for investigation of feasibility in accordance with this subsection.

(c) Section 49.182, Water Code, does not apply to road and road facility projects or bonds issued for those purposes.

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

Sec. 8142.255. APPLICABILITY OF OTHER BOND LAW. Chapter 1471, Government Code, does not apply to the district.

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

TRACT 1:

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

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

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

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

20 THENCE; North 22° 13' 39" East - 1,438.40 (called North 22° 12'
21 40" East) with the southeasterly line of a called 49.6426 acre tract
22 of land described as "Tract B" conveyed to Nancy McFarlane Bonner,
23 as recorded in Volume 1851, Page 424 of the Fort Bend County Deed
24 Records and with the southeasterly line of a called 49.6426 acre
25 tract of land described as "Tract A" conveyed to Thelma McFarlane
26 Zwiener, as recorded in Volume 1851, Page 424 of the Fort Bend
27 County Deed Records to a 2-inch iron pipe found for an interior

1 corner of this tract;

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

6 THENCE; North 21° 41' 06" East - 1,979.04 feet (called North
7 21° 41' 49" East - 1,978.77 feet) with the southeasterly line of a
8 called 115.7247 acre tract of land conveyed to C.E. Myska, Trustee,
9 as recorded in Volume 934, Page 66 of the Fort Bend County Deed
10 Records to a 5/8-inch iron rod with cap set for the northerly corner
11 of this tract;

12 THENCE; South 37° 02' 26" East - 3,374.42 feet (called South
13 37° 01' 19" East) with the southwesterly right-of-way line of the
14 Gulf Coast & Santa Fe Railway Company right-of-way, as recorded in
15 Volume 75, Page 312 of the Fort Bend County Deed Records to point
16 for an easterly corner of this tract;

17 THENCE; South 52° 42' 48" West - 974.91 feet (called South 52°
18 43' 31" West) with the northwesterly line of Reserve "D" of said The
19 Villages At Rosenberg to a 5/8-inch iron rod with cap set for an
20 angle point of this tract;

21 THENCE; South 62° 39' 13" West - 1,205.30 feet (called South
22 62° 38' 30" West - 1,205.22 feet) with the northwesterly line of
23 Reserve "E" and Reserve "F" of said The Villages At Rosenberg to a
24 cut "x" in concrete found for a point-of-curvature;

25 THENCE; in an easterly direction with the northerly line of
26 said Reserve "F" and Reserve "G" of said The Villages At Rosenberg
27 and with said curve to the right having a radius of 100.00 feet, a

1 central angle of $50^{\circ} 13' 34''$, a length of 87.66 feet and a chord
2 bearing South $87^{\circ} 46' 00''$ West - 84.88 feet to a cut "x" in concrete
3 found for a point-of-tangency for this tract;

4 THENCE; North $67^{\circ} 07' 14''$ West - 206.27 feet with the
5 northeasterly line of said Reserve "G" to a cut "x" in concrete
6 found for a southwesterly corner of this tract;

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

14 THENCE; North $63^{\circ} 20' 55''$ West - 400.66 feet (called North 63°
15 $21' 05''$ West - 400.66 feet) with the northeasterly line of said
16 Reserve "A" to a point for an interior corner of this tract;

17 THENCE; South $61^{\circ} 07' 04''$ West - 71.39 feet (called South 61°
18 $06' 54''$ West - 71.39 feet) with a northwesterly line of said Reserve
19 "A" to an angle point of this tract;

20 THENCE; North $72^{\circ} 59' 22''$ West - 163.95 feet (called North 73°
21 $06' 44''$ West - 163.98 feet) with a northeasterly line of said
22 Reserve "A" to a hole punch in reinforced concrete pipe found for an
23 angle point of this tract;

24 THENCE; North $51^{\circ} 19' 13''$ West - 19.63 feet (called North 50°
25 $17' 30''$ West - 19.67 feet) with a northeasterly line of said Reserve
26 "A" to a 5/8-inch iron rod found for an angle point of this tract;

27 THENCE; North $22^{\circ} 12' 51''$ East - 55.94 feet (called North 22°

1 12' 40" East - 55.84 feet) with the southeasterly right-of-way line
2 of Vista Drive (60 feet wide) according to the map or plat recorded
3 under Slide No. 2214 B of the Fort Bend County Plat Records to a
4 5/8-inch iron rod with cap set for an interior corner of this tract;

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

7 THENCE; South 22° 12' 51" West - 767.88 feet (called South 22°
8 12' 40" West - 761.21 feet) with the northwesterly right-of-way
9 line of said Vista Drive to a point for an angle point of this tract;

10 THENCE; South 22° 17' 31" West - 1,416.44 feet (called South
11 22° 16' 48" West - 1,423.85 feet) with the northwesterly
12 right-of-way line of said Vista Drive to a 5/8-inch iron rod with
13 cap set for the easterly end of a cutback at the intersection of the
14 northwesterly right-of-way line of said Vista Drive with the
15 northeasterly right-of-way line of said Reading Road;

16 THENCE; South 67° 34' 19" West - 21.11 feet (called South 67°
17 33' 28" West - 21,11 feet) with said cutback to a 5/8-inch iron rod
18 with cap set for an angle point of this tract;

19 THENCE; North 67° 08' 54" West - 84.71 feet (called North 67°
20 09' 53" West - 85.00 feet) with the northeasterly right-of-way line
21 of said Reading Road to the POINT OF BEGINNING and containing 121.81
22 acres (5,306,130 square feet) of land.

23 TRACT 2:

24 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
25 of Rosenberg, Fort Bend County, Texas

26 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
27 of land in the Jane H. Long League, Abstract No. 55, City of

1 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
2 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
3 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
4 County Plat Records; said tract being more particularly described
5 by metes and bounds as follows with the bearings being based on
6 Texas State Plane Coordinate System, South Central Zone (NAD83) per
7 GPS Observations on May 07, 2004 using National Geodetic Survey
8 Continuously Operating Reference Stations:

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

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

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

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

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

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

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

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

9 TRACT 3:

10 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
11 of Rosenberg, Fort Bend County, Texas

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

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

25 THENCE; North 22° 17' 11" East- 1,438.33 feet (called North
26 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
27 Bend Business Center, according to the map or plat recorded under

1 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
2 iron pipe found;

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

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

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

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

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

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

22 TRACT 4:

23 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
24 of Rosenberg, Fort Bend County, Texas

25 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
26 of land in the Jane H. Long League, Abstract No. 55, City of
27 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being

1 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
2 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
3 County Plat Records; said tract being more particularly described
4 by metes and bounds as follows with the bearings being based on
5 Texas State Plane Coordinate System, South Central Zone (NAD83) per
6 GPS Observations on May 07, 2004 using National Geodetic Survey
7 Continuously Operating Reference Stations:

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

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

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

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

27 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the

1 northwesterly corner of this tract;

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

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

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

8 TRACT 5:

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

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

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

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

1 iron pipe found;

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

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

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

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

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

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

21 TRACT 6:

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

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

1 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
2 County Plat Records; said tract being more particularly described
3 by metes and bounds as follows with the bearings being based on
4 Texas State Plane Coordinate System, South Central Zone (NAD83) per
5 GPS Observations on May 07, 2004 using National Geodetic Survey
6 Continuously Operating Reference Stations:

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

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

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

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

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

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

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

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

7 SECTION 3. (a) The legal notice of the intention to
8 introduce this Act, setting forth the general substance of this
9 Act, has been published as provided by law, and the notice and a
10 copy of this Act have been furnished to all persons, agencies,
11 officials, or entities to which they are required to be furnished
12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
13 Government Code.

14 (b) The governor, one of the required recipients, has
15 submitted the notice and Act to the Texas Commission on
16 Environmental Quality.

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

21 (d) All requirements of the constitution and laws of this
22 state and the rules and procedures of the legislature with respect
23 to the notice, introduction, and passage of this Act are fulfilled
24 and accomplished.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 1873

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.