

1-1 By: Armbrister S.B. No. 1873
1-2 (In the Senate - Filed April 20, 2005; April 20, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 2, 2005, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 2, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Fort Bend County Municipal Utility
1-9 District No. 167; providing authority to impose taxes and issue
1-10 bonds; granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8142 to read as follows:

1-14 CHAPTER 8142. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT
1-15 NO. 167

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8142.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "City" means the City of Rosenberg, Texas.

1-21 (3) "County" means Fort Bend County.

1-22 (4) "Director" means a member of the board.

1-23 (5) "District" means the Fort Bend County Municipal
1-24 Utility District No. 167.

1-25 Sec. 8142.002. NATURE OF DISTRICT. The district is a
1-26 municipal utility district in Fort Bend County created under and
1-27 essential to accomplish the purposes of Section 52, Article III,
1-28 and Section 59, Article XVI, Texas Constitution.

1-29 Sec. 8142.003. CONFIRMATION ELECTION REQUIRED. The board
1-30 shall hold an election to confirm the creation of the district as
1-31 provided by Section 49.102, Water Code.

1-32 Sec. 8142.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
1-33 All land and other property included in the district will benefit
1-34 from the improvements and services to be provided by the district
1-35 under powers conferred by Section 52, Article III, and Section 59,
1-36 Article XVI, Texas Constitution.

1-37 (b) The district is created for the same purposes as:

1-38 (1) a municipal utility district as provided by
1-39 Section 54.012, Water Code;

1-40 (2) a road utility district created under Section 52,
1-41 Article III, Texas Constitution, and operating under Chapter 441,
1-42 Transportation Code, including the purpose of constructing,
1-43 acquiring, improving, maintaining, and operating roads and road
1-44 facilities; and

1-45 (3) the purchase, construction, acquisition,
1-46 ownership, improvement, maintenance, and operation of the public
1-47 works and public improvements authorized for a municipal management
1-48 district operating under Chapter 375, Local Government Code.

1-49 Sec. 8142.005. INITIAL DISTRICT TERRITORY. (a) The
1-50 district is initially composed of the territory described by
1-51 Section 2 of the Act creating this chapter.

1-52 (b) The boundaries and field notes contained in Section 2 of
1-53 the Act creating this chapter form a closure. A mistake made in the
1-54 field notes or in copying the field notes in the legislative process
1-55 does not affect the district's:

1-56 (1) organization, existence, or validity;

1-57 (2) right to issue any type of bond for the purposes
1-58 for which the district is created or to pay the principal of and
1-59 interest on a bond;

1-60 (3) right to impose or collect an assessment or tax; or

1-61 (4) legality or operation.

1-62 Sec. 8142.006. CONSTRUCTION OF CHAPTER. This chapter shall
1-63 be liberally construed in conformity with the findings and purposes
1-64 set forth in this chapter.

[Sections 8142.007-8142.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

- (1) Lisa Prejean;
- (2) Yvonne Cummins;
- (3) James Swanson;
- (4) Deana Day; and
- (5) Jerry Schultza.

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

(c) This section expires September 1, 2009.

[Sections 8142.054-8142.100 reserved for expansion]

SUBCHAPTER C. GENERAL POWERS AND DUTIES

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

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

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

[Sections 8142.104-8142.150 reserved for expansion]

SUBCHAPTER D. ADDITIONAL ROAD POWERS

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

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

(c) The roads and road facilities authorized by this section must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the city or county in whose jurisdiction the road or road facility is located.

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

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

(b) The contract may:

- (1) provide for joint payment of project costs; and
- (2) require the state agency, political subdivision, or corporation to design, construct, or improve a project as provided by the contract.

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

3-1 Sec. 8142.153. REIMBURSEMENT FOR ROAD PROJECT. (a) The
3-2 district may:

3-3 (1) reimburse a private person for money spent to
3-4 construct a road or road facility that is dedicated or otherwise
3-5 transferred to public use; or

3-6 (2) purchase a road or road facility constructed by a
3-7 private person.

3-8 (b) The amount paid for the reimbursement or for the
3-9 purchase of a road or road facility under Subsection (a) may:

3-10 (1) include all construction costs, including
3-11 engineering, legal, financing, and other expenses incident to the
3-12 construction; or

3-13 (2) be at a price not to exceed the replacement cost of
3-14 the road or road facility as determined by the board.

3-15 (c) The reimbursement or purchase of a road or road facility
3-16 may be paid for with proceeds from the sale of the district's bonds
3-17 or from any other money available to the district.

3-18 (d) The district may enter into an agreement to use the
3-19 proceeds of a subsequent bond sale to reimburse a private person
3-20 under this section. The agreement may provide the terms and
3-21 conditions under which the road or road facility is to be dedicated
3-22 or transferred for the benefit of the public.

3-23 [Sections 8142.154-8142.200 reserved for expansion]

3-24 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

3-25 Sec. 8142.201. ELECTIONS REGARDING TAXES OR BONDS.

3-26 (a) The district may issue, without an election, bonds and other
3-27 obligations secured by revenue or contract payments from any lawful
3-28 source other than ad valorem taxation.

3-29 (b) The district must hold an election in the manner
3-30 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-31 before the district may impose a maintenance tax or issue bonds
3-32 payable from ad valorem taxes.

3-33 (c) The board may include more than one purpose in a single
3-34 proposition at an election.

3-35 (d) The district may issue bonds or other obligations to
3-36 finance road projects under Section 52(b)(3), Article III, Texas
3-37 Constitution, secured wholly or partly by ad valorem taxation,
3-38 impose ad valorem taxes to pay the principal of and interest on the
3-39 obligations, and provide a sinking fund for the redemption of the
3-40 obligations only if the issuance is approved by a two-thirds
3-41 majority of the voters of the district voting at an election called
3-42 and held for that purpose. The total amount of bonds issued under
3-43 this subsection may not exceed one-fourth of the assessed market
3-44 value of real property of the district as determined by the chief
3-45 appraiser of the appraisal district that appraises property for the
3-46 district.

3-47 Sec. 8142.202. AD VALOREM TAX. (a) If authorized at an
3-48 election held under Section 8142.201, the district may impose an
3-49 annual ad valorem tax on taxable property in the district for the
3-50 provision of services or for the maintenance and operation of the
3-51 district, including the improvements constructed or acquired by the
3-52 district.

3-53 (b) The board shall determine the tax rate. The rate may not
3-54 exceed the rate approved at the election.

3-55 [Sections 8142.203-8142.250 reserved for expansion]

3-56 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

3-57 Sec. 8142.251. AUTHORITY TO ISSUE BONDS AND OTHER

3-58 OBLIGATIONS. (a) The district may issue bonds or other
3-59 obligations payable wholly or partly from ad valorem taxes, impact
3-60 fees, revenue, grants, or other district money, or any combination
3-61 of those sources, to pay for any authorized district purpose.

3-62 (b) In exercising the district's borrowing power, the
3-63 district may issue a bond or other obligation in the form of a bond,
3-64 note, certificate of participation, or other instrument evidencing
3-65 a proportionate interest in payments to be made by the district, or
3-66 other type of obligation.

3-67 Sec. 8142.252. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
3-68 the time bonds or other obligations payable wholly or partly from ad
3-69 valorem taxes are issued:

4-1 (1) the board shall impose a continuing direct annual
4-2 ad valorem tax, without limit as to rate or amount, for each year
4-3 that all or part of the bonds are outstanding; and

4-4 (2) the district annually shall impose an ad valorem
4-5 tax on all taxable property in the district in an amount sufficient
4-6 to:

4-7 (A) pay the interest on the bonds or other
4-8 obligations as the interest becomes due;

4-9 (B) create a sinking fund for the payment of the
4-10 principal of the bonds or other obligations when due or the
4-11 redemption price at any earlier required redemption date; and

4-12 (C) pay the expenses of imposing the taxes.

4-13 Sec. 8142.253. BONDS FOR CONTRACT COSTS. If the district
4-14 enters into a contract under Section 8142.152, the district may
4-15 issue bonds to pay all or part of the costs of the joint road project
4-16 and any other payments required under the contract.

4-17 Sec. 8142.254. AUTHORITY OF TEXAS COMMISSION ON
4-18 ENVIRONMENTAL QUALITY OVER ISSUANCE OF DISTRICT BONDS.

4-19 (a) Sections 49.181 and 49.182, Water Code, apply to all water,
4-20 wastewater, drainage, and recreational facility projects of the
4-21 district and bonds issued for those purposes.

4-22 (b) Section 49.181, Water Code, applies to all road and road
4-23 facility projects and bonds issued for those purposes, but the
4-24 review of the Texas Commission on Environmental Quality of the
4-25 projects is limited to the financial feasibility of the projects
4-26 and bonds and does not include the review or approval of the design
4-27 and construction of the projects or the engineering feasibility of
4-28 the projects. The commission shall adjust the requirements of
4-29 written applications for investigation of feasibility in
4-30 accordance with this subsection.

4-31 (c) Section 49.182, Water Code, does not apply to road and
4-32 road facility projects or bonds issued for those purposes.

4-33 (d) Projects and bonds of the district are not subject to
4-34 the review and approval of the Texas Transportation Commission or
4-35 the rules adopted by the Texas Transportation Commission.

4-36 Sec. 8142.255. APPLICABILITY OF OTHER BOND LAW. Chapter
4-37 1471, Government Code, does not apply to the district.

4-38 SECTION 2. The Fort Bend County Municipal Utility District
4-39 No. 167 initially includes all the territory contained in the
4-40 following area:

4-41 TRACT 1:

4-42 121.81 acres in the Jane H. Long League, Abstract No. 55, and
4-43 the Simon Jones Survey, Abstract No. 271, City of Rosenberg, Fort
4-44 Bend County, Texas

4-45 A FIELD NOTE DESCRIPTION of 121.81 acres of land in the Jane
4-46 H. Long League, Abstract No. 55 and in the Simon Jones Survey,
4-47 Abstract No. 271, City of Rosenberg, Fort Bend County, Texas; said
4-48 121 .81 acre tract being out of Reserve "H" and all of Reserve "K",
4-49 Block 4, The Villages At Rosenberg, according to the map or plat
4-50 recorded under Slide No. 1954 A&B of the Fort Bend County Plat
4-51 Records; said tract being more particularly described by metes and
4-52 bounds as follows with the bearings being based on Texas State Plane
4-53 Coordinate System, South Central Zone (NAD83) per GPS Observations
4-54 on May 07, 2004 using National Geodetic Survey Continuously
4-55 Operating Reference Stations:

4-56 BEGINNING at a 2-inch iron pipe found in the northeasterly
4-57 right-of-way line of Reading Road (60 feet wide) for a westerly
4-58 corner of said Reserve "H" and for a westerly corner of this tract;

4-59 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
4-60 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
4-61 Bend Business Center according to the map or plat recorded under
4-62 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
4-63 iron pipe found for an angle point of this tract;

4-64 THENCE; North 22° 13' 39" East - 1,438.40 (called North 22° 12'
4-65 40" East) with the southeasterly line of a called 49.6426 acre tract
4-66 of land described as "Tract B" conveyed to Nancy McFarlane Bonner,
4-67 as recorded in Volume 1851, Page 424 of the Fort Bend County Deed
4-68 Records and with the southeasterly line of a called 49.6426 acre
4-69 tract of land described as "Tract A" conveyed to Thelma McFarlane

5-1 Zwiener, as recorded in Volume 1851, Page 424 of the Fort Bend
5-2 County Deed Records to a 2-inch iron pipe found for an interior
5-3 corner of this tract;
5-4 THENCE; North 68° 04' 11" West - 545.57 feet (called North 68°
5-5 03' 27" West - 545.08 feet) with the northeasterly line of said
5-6 "Tract A" to a 3/4-inch iron rod found for a westerly corner of this
5-7 tract;
5-8 THENCE; North 21° 41' 06" East - 1,979.04 feet (called North
5-9 21° 41' 49" East - 1,978.77 feet) with the southeasterly line of a
5-10 called 115.7247 acre tract of land conveyed to C.E. Myska, Trustee,
5-11 as recorded in Volume 934, Page 66 of the Fort Bend County Deed
5-12 Records to a 5/8-inch iron rod with cap set for the northerly corner
5-13 of this tract;
5-14 THENCE; South 37° 02' 26" East - 3,374.42 feet (called South
5-15 37° 01' 19" East) with the southwesterly right-of-way line of the
5-16 Gulf Coast & Santa Fe Railway Company right-of-way, as recorded in
5-17 Volume 75, Page 312 of the Fort Bend County Deed Records to point
5-18 for an easterly corner of this tract;
5-19 THENCE; South 52° 42' 48" West - 974.91 feet (called South 52°
5-20 43' 31" West) with the northwesterly line of Reserve "D" of said The
5-21 Villages At Rosenberg to a 5/8-inch iron rod with cap set for an
5-22 angle point of this tract;
5-23 THENCE; South 62° 39' 13" West - 1,205.30 feet (called South
5-24 62° 38' 30" West - 1,205.22 feet) with the northwesterly line of
5-25 Reserve "E" and Reserve "F" of said The Villages At Rosenberg to a
5-26 cut "x" in concrete found for a point-of-curvature;
5-27 THENCE; in an easterly direction with the northerly line of
5-28 said Reserve "F" and Reserve "G" of said The Villages At Rosenberg
5-29 and with said curve to the right having a radius of 100.00 feet, a
5-30 central angle of 50° 13' 34", a length of 87.66 feet and a chord
5-31 bearing South 87° 46' 00" West - 84.88 feet to a cut "x" in concrete
5-32 found for a point-of-tangency for this tract;
5-33 THENCE; North 67° 07' 14" West - 206.27 feet with the
5-34 northeasterly line of said Reserve "G" to a cut "x" in concrete
5-35 found for a southwesterly corner of this tract;
5-36 THENCE; North 22° 52' 43" East - 838.38 feet (called north 22°
5-37 52' 24" East - 838.44 feet) with the southeasterly line of Reserve
5-38 "A", The Villages At Rosenberg, Section 2, according to the map or
5-39 plat recorded under Slide No. 2214B; of the Fort Bend County Plat
5-40 Records conveyed to Rosenberg Venture LTD., as recorded under Fort
5-41 Bend County Clerk's File No. 2001119747 to a 5/8-inch iron rod found
5-42 for an interior corner of this tract;
5-43 THENCE; North 63° 20' 55" West - 400.66 feet (called North 63°
5-44 21' 05" West - 400.66 feet) with the northeasterly line of said
5-45 Reserve "A" to a point for an interior corner of this tract;
5-46 THENCE; South 61° 07' 04" West - 71.39 feet (called South 61°
5-47 06' 54" West - 71.39 feet) with a northwesterly line of said Reserve
5-48 "A" to an angle point of this tract;
5-49 THENCE; North 72° 59' 22" West - 163.95 feet (called North 73°
5-50 06' 44" West - 163.98 feet) with a northeasterly line of said
5-51 Reserve "A" to a hole punch in reinforced concrete pipe found for an
5-52 angle point of this tract;
5-53 THENCE; North 51° 19' 13" West - 19.63 feet (called North 50°
5-54 17' 30" West - 19.67 feet) with a northeasterly line of said Reserve
5-55 "A" to a 5/8-inch iron rod found for an angle point of this tract;
5-56 THENCE; North 22° 12' 51" East - 55.94 feet (called North 22°
5-57 12' 40" East - 55.84 feet) with the southeasterly right-of-way line
5-58 of Vista Drive (60 feet wide) according to the map or plat recorded
5-59 under Slide No. 2214 B of the Fort Bend County Plat Records to a
5-60 5/8-inch iron rod with cap set for an interior corner of this tract;
5-61 THENCE; North 67° 47' 09" West - 60.00 feet to a 5/8-inch iron
5-62 rod with cap set for an interior corner of this tract;
5-63 THENCE; South 22° 12' 51" West - 767.88 feet (called South 22°
5-64 12' 40" West - 761.21 feet) with the northwesterly right-of-way
5-65 line of said Vista Drive to a point for an angle point of this tract;
5-66 THENCE; South 22° 17' 31" West - 1,416.44 feet (called South
5-67 22° 16' 48" West - 1,423.85 feet) with the northwesterly
5-68 right-of-way line of said Vista Drive to a 5/8-inch iron rod with
5-69 cap set for the easterly end of a cutback at the intersection of the

6-1 northwesterly right-of-way line of said Vista Drive with the
6-2 northeasterly right-of-way line of said Reading Road;
6-3 THENCE; South 67° 34' 19" West - 21.11 feet (called South 67°
6-4 33' 28" West - 21,11 feet) with said cutback to a 5/8-inch iron rod
6-5 with cap set for an angle point of this tract;
6-6 THENCE; North 67° 08' 54" West - 84.71 feet (called North 67°
6-7 09' 53" West - 85.00 feet) with the northeasterly right-of-way line
6-8 of said Reading Road to the POINT OF BEGINNING and containing 121.81
6-9 acres (5,306,130 square feet) of land.

6-10 TRACT 2:

6-11 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
6-12 of Rosenberg, Fort Bend County, Texas

6-13 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
6-14 of land in the Jane H. Long League, Abstract No. 55, City of
6-15 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
6-16 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
6-17 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
6-18 County Plat Records; said tract being more particularly described
6-19 by metes and bounds as follows with the bearings being based on
6-20 Texas State Plane Coordinate System, South Central Zone (NAD83) per
6-21 GPS Observations on May 07, 2004 using National Geodetic Survey
6-22 Continuously Operating Reference Stations:

6-23 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
6-24 northeasterly right-of-way line of Reading Road (60 feet wide) for
6-25 a southwesterly corner of said Reserve "H";

6-26 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
6-27 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
6-28 Bend Business Center, according to the map or plat recorded under
6-29 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
6-30 iron pipe found;

6-31 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North
6-32 22° 12' 40" East) with the southeasterly line of a called 49.6426
6-33 acre tract of land described as "Tract B" conveyed to Nancy
6-34 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
6-35 Bend County Deed Records, with the southeasterly line of a called
6-36 49.6426 acre tract of land described as "Tract A" conveyed to Thelma
6-37 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
6-38 Bend County Deed Records and with the northwesterly line of said
6-39 Reserve "H" to a 2-inch iron pipe found for corner,

6-40 THENCE; South 68° 04' 11" East - 790.00 feet to a point for the
6-41 southwesterly corner and POINT OF BEGINNING of this tract;

6-42 THENCE; North 21' 55' 49" East - 100.00 feet to a point for the
6-43 northwesterly corner of this tract;

6-44 THENCE; South 68° 04' 11 " East - 60.00 feet to a point for the
6-45 northeasterly corner of this tract;

6-46 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
6-47 southeasterly corner of this tract;

6-48 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF
6-49 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

6-50 TRACT 3:

6-51 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
6-52 of Rosenberg, Fort Bend County, Texas

6-53 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
6-54 of land in the Jane H. Long League, Abstract No. 55, City of
6-55 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
6-56 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
6-57 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
6-58 County Plat Records; said tract being more particularly described
6-59 by metes and bounds as follows with the bearings being based on
6-60 Texas State Plane Coordinate System, South Central Zone (NAD83) per
6-61 GPS Observations on May 07, 2004 using National Geodetic Survey
6-62 Continuously Operating Reference Stations:

6-63 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
6-64 northeasterly right-of-way line of Reading Road (60 feet wide) for
6-65 a southwesterly corner of said Reserve "H";

6-66 THENCE; North 22° 17' 11" East- 1,438.33 feet (called North
6-67 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
6-68 Bend Business Center, according to the map or plat recorded under
6-69 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch

7-1 iron pipe found;

7-2 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North

7-3 22° 12' 40" East) with the southeasterly line of a called 49.6426

7-4 acre tract of land described as "Tract B" conveyed to Nancy

7-5 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort

7-6 Bend County Deed Records, with the southeasterly line of a called

7-7 49.6426 acre tract of land described as "Tract A" conveyed to Thelma

7-8 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort

7-9 Bend County Deed Records and with the northwesterly line of said

7-10 Reserve "H" to a 2-inch iron pipe found for corner,

7-11 THENCE; South 68° 04' 11" East - 730.00 feet to a point for the

7-12 southwesterly corner and POINT OF BEGINNING of this tract;

7-13 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the

7-14 northwesterly corner of this tract;

7-15 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the

7-16 northeasterly corner of this tract;

7-17 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the

7-18 southeasterly corner of this tract;

7-19 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF

7-20 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

7-21 TRACT 4:

7-22 0.1377 acre in the Jane H. Long League, Abstract No. 55, City

7-23 of Rosenberg, Fort Bend County, Texas

7-24 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)

7-25 of land in the Jane H. Long League, Abstract No. 55, City of

7-26 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being

7-27 out of Reserve "H", Block 4, The Villages At Rosenberg, according to

7-28 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend

7-29 County Plat Records; said tract being more particularly described

7-30 by metes and bounds as follows with the bearings being based on

7-31 Texas State Plane Coordinate System, South Central Zone (NAD83) per

7-32 GPS Observations on May 07, 2004 using National Geodetic Survey

7-33 Continuously Operating Reference Stations:

7-34 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the

7-35 northeasterly right-of-way line of Reading Road (60 feet wide) for

7-36 a southwesterly corner of said Reserve "H";

7-37 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North

7-38 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort

7-39 Bend Business Center, according to the map or plat recorded under

7-40 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch

7-41 iron pipe found;

7-42 THENCE; North 22° 13' 39" East -1,438.40 feet (called North

7-43 22° 12' 40" East) with the southeasterly line of a called 49.6426

7-44 acre tract of land described as "Tract B" conveyed to Nancy

7-45 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort

7-46 Bend County Deed Records, with the southeasterly line of a called

7-47 49.6426 acre tract of land described as 'Tract A" conveyed to Thelma

7-48 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort

7-49 Bend County Deed Records and with the northwesterly line of said

7-50 Reserve "H" to a 2-inch iron pipe found for corner;

7-51 THENCE; South 68° 04' 11" East - 670.00 feet to a point for the

7-52 southwesterly corner and POINT OF BEGINNING of this tract;

7-53 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the

7-54 northwesterly corner of this tract;

7-55 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the

7-56 northeasterly corner of this tract;

7-57 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the

7-58 southeasterly corner of this tract;

7-59 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF

7-60 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

7-61 TRACT 5:

7-62 0.1377 acre in the Jane H. Long League, Abstract No. 55, City

7-63 of Rosenberg, Fort Bend County, Texas

7-64 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)

7-65 of land in the Jane H. Long League, Abstract No. 55, City of

7-66 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being

7-67 out of Reserve "H", Block 4, The Villages At Rosenberg, according to

7-68 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend

7-69 County Plat Records; said tract being more particularly described

8-1 by metes and bounds as follows with the bearings being based on
8-2 Texas State Plane Coordinate System, South Central Zone (NAD83) per
8-3 GPS Observations on May 07, 2004 using National Geodetic Survey
8-4 Continuously Operating Reference Stations:

8-5 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
8-6 northeasterly right-of-way line of Reading Road (60 feet wide) for
8-7 a southwesterly corner of said Reserve "H";

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

8-13 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North
8-14 22° 12' 40" East) with the southeasterly line of a called 49.6426
8-15 acre tract of land described as "Tract B" conveyed to Nancy
8-16 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
8-17 Bend County Deed Records, with the southeasterly line of a called
8-18 49.6426 acre tract of land described as "Tract A" conveyed to Thelma
8-19 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
8-20 Bend County Deed Records and with the northwesterly line of said
8-21 Reserve "H" to a 2-inch iron pipe found for corner;

8-22 THENCE; South 68° 04' 11" East - 610.00 feet to a point for the
8-23 southwesterly corner and POINT OF BEGINNING of this tract;

8-24 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the
8-25 northwesterly corner of this tract;

8-26 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the
8-27 northeasterly corner of this tract;

8-28 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
8-29 southeasterly corner of this tract;

8-30 THENCE; North 68° 04' 11" West - 60.00 feet to the POINT OF
8-31 BEGINNING and containing 0.1377 acre (6,000 square feet) of land.

8-32 TRACT 6:

8-33 0.1377 acre in the Jane H. Long League, Abstract No. 55, City
8-34 of Rosenberg, Fort Bend County, Texas

8-35 A FIELD NOTE DESCRIPTION of 0.1377 acre (6,000 square feet)
8-36 of land in the Jane H. Long League, Abstract No. 55, City of
8-37 Rosenberg, Fort Bend County, Texas; said 0.1377 acre tract being
8-38 out of Reserve "H", Block 4, The Villages At Rosenberg, according to
8-39 the map or plat recorded under Slide No. 1954 A&B of the Fort Bend
8-40 County Plat Records; said tract being more particularly described
8-41 by metes and bounds as follows with the bearings being based on
8-42 Texas State Plane Coordinate System, South Central Zone (NAD83) per
8-43 GPS Observations on May 07, 2004 using National Geodetic Survey
8-44 Continuously Operating Reference Stations:

8-45 COMMENCING FOR REFERENCE at a 2-inch iron pipe found in the
8-46 northeasterly right-of-way line of Reading Road (60 feet wide) for
8-47 a southwesterly corner of said Reserve "H";

8-48 THENCE; North 22° 17' 11" East - 1,438.33 feet (called North
8-49 22° 16' 48" East - 1,437.90 feet) with the southeasterly line of Fort
8-50 Bend Business Center, according to the map or plat recorded under
8-51 Slide No. 1461 B of the Fort Bend County Plat Records to a 1/2-inch
8-52 iron pipe found;

8-53 THENCE; North 22° 13' 39" East - 1,438.40 feet (called North
8-54 22° 12' 40" East) with the southeasterly line of a called 49.6426
8-55 acre tract of land described as "Tract B" conveyed to Nancy
8-56 McFarlane Bonner, as recorded in Volume 1851, Page 424 of the Fort
8-57 Bend County Deed Records, with the southeasterly line of a called
8-58 49.6426 acre tract of land described as "Tract A" conveyed to Thelma
8-59 McFarlane Zwiener, as recorded in Volume 1851, Page 424 of the Fort
8-60 Bend County Deed Records and with the northwesterly line of said
8-61 Reserve "H" to a 2-inch iron pipe found for corner;

8-62 THENCE; South 68° 04' 11" East - 550.0,0 feet to a point for
8-63 the southwesterly corner and POINT OF BEGINNING of this tract;

8-64 THENCE; North 21° 55' 49" East - 100.00 feet to a point for the
8-65 northwesterly corner of this tract;

8-66 THENCE; South 68° 04' 11" East - 60.00 feet to a point for the
8-67 northeasterly corner of this tract;

8-68 THENCE; South 21° 55' 49" West - 100.00 feet to a point for the
8-69 southeasterly corner of this tract;

