

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Somerset Municipal Utility District No. 2; providing authority to impose a tax 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 8204 to read as follows:

CHAPTER 8204. SOMERSET MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8204.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Somerset Municipal Utility District No. 2.

Sec. 8204.002. NATURE OF DISTRICT. The district is a municipal utility district in San Jacinto County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8204.003. FINDING OF PUBLIC USE AND BENEFIT. The district is created to serve a public use and benefit.

Sec. 8204.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8204.023 before September 1, 2009:

(1) the district is dissolved September 1, 2009,

1 except that the district shall:

2 (A) pay any debts incurred;

3 (B) transfer to San Jacinto County any assets
4 that remain after the payment of debts; and

5 (C) maintain the organization of the district
6 until all debts are paid and remaining assets are transferred; and

7 (2) this chapter expires September 1, 2012.

8 Sec. 8204.005. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

11 (b) The boundaries and field notes contained in Section 2 of
12 the Act creating this chapter form a closure. A mistake made in the
13 field notes or in copying the field notes in the legislative process
14 does not affect:

15 (1) the organization, existence, or validity of the
16 district;

17 (2) the right of the district to impose taxes; or

18 (3) the legality or operation of the board.

19 [Sections 8204.006-8204.020 reserved for expansion]

20 SUBCHAPTER A-1. TEMPORARY PROVISIONS

21 Sec. 8204.021. TEMPORARY DIRECTORS. (a) The temporary
22 board consists of:

23 (1) ___;

24 (2) ___;

25 (3) ___;

26 (4) ___; and

27 (5) ___.

1 (b) If a temporary director fails to qualify for office, the
2 temporary directors who have qualified shall appoint a person to
3 fill the vacancy. If at any time there are fewer than three
4 qualified temporary directors, the Texas Commission on
5 Environmental Quality shall appoint the necessary number of persons
6 to fill all vacancies on the board.

7 (c) Temporary directors serve until the earlier of:

8 (1) the date directors are elected under Section
9 8204.023; or

10 (2) the date this chapter expires under Section
11 8204.004.

12 Sec. 8204.022. ORGANIZATIONAL MEETING OF TEMPORARY
13 DIRECTORS. As soon as practicable after all the temporary
14 directors have qualified under Section 49.055, Water Code, the
15 temporary directors shall convene the organizational meeting of the
16 district at a location in the district agreeable to a majority of
17 the directors. If a location cannot be agreed upon, the
18 organizational meeting shall be at the San Jacinto County
19 Courthouse.

20 Sec. 8204.023. CONFIRMATION AND INITIAL DIRECTORS'
21 ELECTION. The temporary directors shall hold an election to
22 confirm the creation of the district and to elect five directors as
23 provided by Section 49.102, Water Code.

24 Sec. 8204.024. INITIAL ELECTED DIRECTORS; TERMS. The
25 directors elected under Section 8204.023 shall draw lots to
26 determine which two shall serve until the first regularly scheduled
27 election of directors and which three shall serve until the second

1 regularly scheduled election of directors.

2 Sec. 8204.025. EXPIRATION OF SUBCHAPTER. This subchapter
3 expires September 1, 2012.

4 [Sections 8204.026-8204.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 8204.051. GOVERNING BODY; TERMS. (a) The district is
7 governed by a board of five directors.

8 (b) Directors serve staggered four-year terms.

9 [Sections 8204.052-8204.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8204.101. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8204.102. ROAD PROJECTS; LIMIT ON EMINENT DOMAIN
17 POWER. (a) The district may construct, acquire, improve,
18 maintain, or operate macadamized, graveled, or paved roads or
19 turnpikes, or improvements in aid of those roads or turnpikes.

20 (b) A road project must meet all applicable construction
21 standards, zoning and subdivision requirements, and regulations of
22 each municipality in whose corporate limits or extraterritorial
23 jurisdiction the district is located. If the district is not
24 located in the corporate limits or extraterritorial jurisdiction of
25 a municipality, a road project must meet all applicable
26 construction standards, zoning and subdivision requirements, and
27 regulations of each county in which the district is located.

1 (c) The district may not undertake a road project unless
2 each municipality in whose corporate limits or extraterritorial
3 jurisdiction the district is located consents by resolution. If
4 the district is not located in the corporate limits or
5 extraterritorial jurisdiction of a municipality, the district may
6 not undertake a road project unless each county in which the
7 district is located consents by resolution.

8 (d) The district may not exercise the power of eminent
9 domain outside the district for a road project.

10 Sec. 8204.103. ROAD CONTRACTS. The district may contract
11 for a road project in the manner provided by Subchapter I, Chapter
12 49, Water Code.

13 Sec. 8204.104. RECREATIONAL FACILITIES; LIMIT ON EMINENT
14 DOMAIN POWER. (a) In this section, "recreational facilities" has
15 the meaning assigned by Section 49.462, Water Code.

16 (b) The district may develop and maintain recreational
17 facilities.

18 (c) The district may not, for the development or maintenance
19 of a recreational facility, acquire by condemnation land, an
20 easement, or other property inside or outside the district.

21 [Sections 8204.105-8204.150 reserved for expansion]

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8204.151. OPERATION AND MAINTENANCE TAX. (a) The
24 district may impose a tax for any district operation and
25 maintenance purpose in the manner provided by Section 49.107, Water
26 Code.

27 (b) Section 49.107(f), Water Code, does not apply to

1 reimbursements for projects constructed or acquired under Section
2 8204.102.

3 Sec. 8204.152. TAX TO REPAY BONDS. The district may impose
4 a tax to pay the principal of and interest on bonds issued under
5 Section 8204.201.

6 Sec. 8204.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
7 ASSESSMENTS. The district may not impose an impact fee or
8 assessment on the property, including the equipment,
9 rights-of-way, facilities, or improvements, of:

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

12 (2) a gas utility as defined by Section 101.003 or
13 121.001, Utilities Code;

14 (3) a telecommunications provider as defined by
15 Section 51.002, Utilities Code;

16 (4) a cable operator as defined by 47 U.S.C. Section
17 522; or

18 (5) a person who provides to the public advanced
19 telecommunications services.

20 [Sections 8204.154-8204.200 reserved for expansion]

21 SUBCHAPTER E. BONDS

22 Sec. 8204.201. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. (a) The district may issue bonds or other obligations
24 as provided by Chapters 49 and 54, Water Code, and to finance the
25 construction, maintenance, or operation of projects under Section
26 8204.102.

27 (b) The district may issue bonds or other obligations

1 payable wholly or partly from ad valorem taxes, impact fees,
2 revenue, grants, or other district money.

3 (c) The district may not issue bonds or other obligations
4 secured wholly or partly by ad valorem taxation to finance projects
5 authorized by Section 8204.102 unless the issuance is approved by a
6 vote of a two-thirds majority of district voters voting at an
7 election called for that purpose.

8 (d) Bonds or other obligations issued or incurred to finance
9 projects authorized by Section 8204.102 may not exceed one-fourth
10 of the assessed value of the real property in the district.

11 (e) The district may not issue bonds or other obligations
12 secured wholly or partly by ad valorem taxation to finance projects
13 authorized by Section 8204.104 unless the issuance is approved by a
14 vote of a majority of district voters voting at an election called
15 for that purpose. Section 49.464(a), Water Code, does not apply to
16 the district.

17 [Sections 8204.202-8204.250 reserved for expansion]

18 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

19 Sec. 8204.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At
20 any time before the district issues indebtedness secured by taxes
21 or net revenue, the district, including any annexed territory, may
22 be divided into two or more new districts.

23 (b) A new district created by division of the district must
24 be at least 100 acres.

25 (c) The board may consider a proposal to divide the district
26 on:

27 (1) a petition of a landowner in the district; or

1 (2) a motion by the board.

2 (d) If the board decides to divide the district, the board
3 shall:

4 (1) set the terms of the division, including names for
5 the new districts and a plan for the payment or performance of any
6 outstanding district obligations; and

7 (2) prepare a metes and bounds description for each
8 proposed district.

9 Sec. 8204.252. ELECTION FOR DIVISION OF DISTRICT. (a)
10 After the board has complied with Section 8204.251(d), the board
11 shall hold an election in the district to determine whether the
12 district should be divided as proposed.

13 (b) The board shall give notice of the election not later
14 than the 35th day before the date of the election. The notice must
15 state:

16 (1) the date and location of the election; and

17 (2) the proposition to be voted on.

18 (c) If a majority of the votes cast are in favor of the
19 division:

20 (1) the district is divided; and

21 (2) not later than the 30th day after the date of the
22 election, the district shall provide written notice of the division
23 to:

24 (A) the Texas Commission on Environmental
25 Quality;

26 (B) the attorney general;

27 (C) the commissioners court of each county in

1 which a new district is located; and

2 (D) any municipality having extraterritorial
3 jurisdiction over territory in each new district.

4 (d) If a majority of the votes cast are not in favor of the
5 division, the district may not be divided.

6 Sec. 8204.253. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
7 Not later than the 90th day after the date of an election in favor of
8 the division of the district, the board shall:

9 (1) appoint itself as the board of one of the new
10 districts; and

11 (2) appoint five directors for each of the other new
12 districts.

13 (b) Directors appointed under Subsection (a)(1) serve the
14 staggered terms to which they were elected in the original
15 district. Directors appointed under Subsection (a)(2) serve until
16 the election for directors under Subsection (c).

17 (c) On the uniform election date in May of the first
18 even-numbered year after the year in which the directors are
19 appointed, the appointed board shall hold an election to elect five
20 directors in each district for which directors were appointed under
21 Subsection (a)(2). The directors shall draw lots to determine
22 which two shall serve until the next regularly scheduled election
23 of directors and which three shall serve until the second regularly
24 scheduled election of directors.

25 Sec. 8204.254. CONTINUING POWERS AND OBLIGATIONS OF NEW
26 DISTRICTS. (a) Each new district may incur and pay debts and has
27 all powers of the original district created by this chapter.

1 (b) If the district is divided as provided by this
2 subchapter, the current obligations and any bond authorizations of
3 the district are not impaired. Debts shall be paid by revenue or by
4 taxes or assessments imposed on real property in the district as if
5 the district had not been divided or by contributions from each new
6 district as stated in the terms set by the board under Section
7 8204.251(d).

8 (c) Any other district obligation is divided pro rata among
9 the new districts on an acreage basis or on other terms that are
10 satisfactory to the new districts.

11 Sec. 8204.255. CONTRACT AUTHORITY OF NEW DISTRICTS. The
12 new districts may contract with each other for:

13 (1) water and wastewater services; or

14 (2) any other matter the boards of the new districts
15 consider appropriate.

16 SECTION 2. The Somerset Municipal Utility District No. 2
17 initially includes all the territory contained in the following
18 described area:

19 Being 494.607 acres of land situated in the State of Texas,
20 County of San Jacinto, 465.349 acres being a part of the John Foster
21 Survey, A-115, and the Francis Kennedy Survey, A-194, and being the
22 same land described as "Tract No. 1" (called 465.192 acres), 9.492
23 acres being a part of said John Foster Survey, and being the same
24 land described as "Tract No. 2" (called 9.774 acres) in deed to
25 Livingston Development, Ltd. recorded in Volume 173, Page 749 of
26 the San Jacinto County Official Public Records, and 19.766 acres
27 being a part of the John Colvin Survey, A-10, and the Michael B.

1 Menard Survey, A-36, and being the same land called 19.771 acres in
2 deed to Livingston Development, Ltd. recorded in Volume 251, Page
3 17 of said Official Public Records, and this 494.607 acres being
4 more particularly described by metes and bounds in three parcels as
5 follows:

6 Parcel One : 465.349 Acres

7 Beginning at the intersection of the centerline of Palmetto
8 Creek with the northeast right of way line of F. M. Highway No. 980,
9 said point being the west common corner between said called 465.192
10 acres and the called 221.47 acres (218.176 acres by resurvey)
11 described in deed to Kevin G. Steely recorded in Volume 202, Page
12 739 of said Official Public Records, located on the northeast line
13 of the called 14.509 acres described as "Part XIII" in deed to the
14 State of Texas recorded in Volume 120, Page 82 of the San Jacinto
15 County Deed Records;

16 Thence down said Palmetto Creek with its centerline meanders,
17 same being the common line between said Livingston Development,
18 Ltd. called 465.192 acres and said Steely 218.176 acres, as
19 follows:

- 20 N 21° 09' 12" E 187.59 ft.,
- 21 N 36° 05' 49" E 114.92 ft.,
- 22 N 45° 36' 02" E 327.00 ft.,
- 23 N 52° 26' 21" E 167.01 ft.,
- 24 N 55° 46' 53" E 339.10 ft.,
- 25 N 65° 44' 26" E 465.47 ft.,
- 26 N 72° 42' 05" E 735.94 ft.,
- 27 N 54° 23' 34" E 724.93 ft.,

1 N 82° 55' 42" E 138.59 ft.,
2 N 89° 03' 15" E 113.76 ft.,
3 S 79° 06' 51" E 93.79 ft.,
4 S 72° 05' 20" E 80.98 ft.,
5 S 47° 32' 05" E 45.70 ft.,
6 S 01° 43' 59" E 110.91 ft.,
7 S 47° 35' 38" E 435.88 ft.,
8 S 23° 34' 29" E 75.51 ft.,
9 S 68° 51' 38" E 308.71 ft.,
10 N 76° 08' 19" E 169.42 ft.,
11 N 05° 00' 06" E 218.71 ft.,
12 N 08° 36' 40" W 222.06 ft.,
13 N 12° 20' 46" W 130.94 ft.,
14 N 15° 31' 42" E 245.80 ft.,
15 N 38° 47' 29" E 104.03 ft.,
16 N 64° 54' 01" E 121.72 ft. and
17 N 51° 24' 19" E 627.43 ft. to the
18 intersection of the centerline of said Palmetto Creek with the
19 Trinity River Authority Lake Livingston Fee Take Line, said point
20 being the west common corner between the called 16.53 acres
21 described as Fee Tract F-15 in deed to the Trinity River Authority
22 of Texas recorded in Volume 108, Page 161 of the San Jacinto County
23 Deed Records and the called 0.29 acre condemned by the Trinity River
24 Authority of Texas and being save and excepted in deed recorded in
25 Volume 129, Page 466 of said Deed Records;
26 Thence along the north line of said Livingston Development,
27 Ltd. called 465.1192 acres, common in part with the south lines of

1 said Trinity River Authority called 0.29 acre tract and said
2 Trinity River Authority called 16.53 acres as follows:

- 3 S 25° 56' 00" E 75.00 ft. to a 1/2" iron rod set for corner;
4 N 60° 29' 51" E 391.05 ft. to a 5/8" iron rod found for corner;
5 S 83° 34' 52" E 343.22 ft. to a 1/2" iron rod set for corner;
6 S 13° 22' 00" W 291.74 ft. to a 5/8" iron rod found for corner;
7 S 12° 52' 49" W 257.26 ft. to a 5/8" iron rod found for corner;
8 S 07° 59' 00" E 185.44 ft. to a 5/8" iron rod found for corner;
9 S 41° 45' 58" E 198.24 ft. to a calculated point for corner on
10 a bluff bank;
11 S 54° 05' 58" E 169.98 ft. to a calculated point for corner on
12 a bluff bank;
13 N 81° 08' 02" E 150.95 ft. to a 5/8" iron rod found for corner;
14 N 86° 52' 27" E 217.14 ft. to a 5/8" iron rod found for corner;
15 N 82° 20' 10" E 177.63 ft. to a 5/8" iron rod found for corner;
16 N 76° 35' 10" E 213.52 ft. to a 5/8" iron rod found for corner;
17 N 81° 11' 18" E 151.61 ft. to a 5/8" iron rod found for corner;
18 N 76° 37' 18" E 179.68 ft. to a 5/8" iron rod found for corner;
19 N 63° 59' 23" E 143.31 ft. to a 5/8" iron rod found for corner;
20 N 83° 27' 58" E 180.64 ft. to a 1/2" iron rod set for corner;
21 S 13° 27' 58" W 95.68 ft. to a 5/8" iron rod found for corner;
22 S 07° 12' 02" E 159.45 ft. to a 5/8" iron rod found for corner;
23 S 40° 47' 34" E 95.13 ft. to a 5/8" iron rod found for corner;
24 N 70° 37' 43" E 88.74 ft. to a 5/8" iron rod found for corner;
25 N 55° 24' 41" W 116.66 ft. to a 5/8" iron rod found for corner;
26 N 12° 40' 39" E 144.08 ft. to a 5/8" iron rod found for corner;
27 N 09° 54' 12" W 76.56 ft. to a 5/8" iron rod found for corner;

1 N 83° 12' 13" E 172.73 ft. to a 1/2" iron rod set for corner;

2 N 79° 45' 13" E 299.28 ft. to a 5/8" iron rod found for corner

3 and

4 N 72° 25' 51" E 7.80 ft. to a concrete monument found for the
5 north common corner between said Livingston Development, Ltd.
6 called 465.192 acres and said Livingston Development, Ltd. called
7 19.771 acres, same being the south common corner between said
8 Trinity River Authority called 16.53 acres and the called 193.64
9 acres described in deed to said Trinity River Authority of Texas
10 recorded in Volume 107, Page 336 of said Deed Records, said point
11 being located on the common survey line between said Francis
12 Kennedy Survey and said John Colvin Survey;

13 Thence S 23° 28' 18" E 494.42 ft. (deed call - S 23° 31' 00" E
14 494.23 ft.) along the common survey line between said Kennedy and
15 Colvin Surveys, same being the common line between said called
16 465.192 acres and said called 19.771 acres, to a concrete monument
17 found for the west common corner between said called 19.771 acres
18 and the residue of the Thomas S. Foster Estate called 512 acres
19 described in deed recorded in Volume 6, Page 378 of said Deed
20 Records;

21 Thence S 22° 50' 57" E 286.62 ft. (deed call - S 22° 39' 12" E
22 286.83 ft.) along the common survey line between said Kennedy and
23 Colvin Surveys, same being the common line between said Livingston
24 Development, Ltd. called 465.192 acres and said Foster Estate
25 residue tract, to a concrete monument found for a common survey
26 corner between said Kennedy Survey, said Colvin Survey, and the
27 Michael B. Menard Survey, A-36, said point also being the most

1 northern corner of the 54.515 acres described in deed to Barbara D.
2 Graves recorded in Volume 227, Page 375 of said Official Public
3 Records;

4 Thence S 18° 41' 06" W (deed call - S 18° 40' 36" W) along the
5 common survey line between said Kennedy and Menard Surveys, same
6 being the common line between said called 465.192 acres and said
7 Graves called 54.515 acres, at 5.41 ft. pass a concrete monument
8 found on line, and continuing along said common line, a total
9 distance of 2,794.57 ft. to a concrete monument found for the east
10 common corner between said Kennedy Survey and the W. B. Clint
11 Survey, A-424, said point being the east common corner between said
12 Livingston Development, Ltd. lands and the called 20.33 acres
13 titled to the Thomas S. Foster Estate and described as "Tract 28" in
14 deed recorded in Volume 6, Page 378 of said Deed Records;

15 Thence S 87° 31' 40" W 633.25 ft. (deed call - S 87° 34' 26" W
16 637.29 ft.) along the common survey line between said Kennedy and
17 Clint Surveys, same being the common line between said Livingston
18 Development, Ltd. tract and said Foster Estate called 20.33 acres,
19 to a 1/2" iron rod set at the intersection of said line with the
20 north right of way line of said F. M. Highway No. 980, same being the
21 north line of the called 11.117 acres described as "Part XIV" in
22 said deed to the State of Texas recorded in Volume 120, Page 82 of
23 said Deed Records;

24 Thence 782.21 ft. in a westerly direction along the north
25 right of way line of said F. M. Highway No. 980, same being the
26 common line between said Livingston Development, Ltd. tract and
27 said State of Texas called 11.117 acre tract, in a curve to the left

1 having a central angle of $15^{\circ} 16' 16''$, the radius being 2,934.79 ft.,
2 and the chord bears $N 83^{\circ} 21' 52'' W$ 779.89 ft. to a 1/2" iron rod set
3 marking a point of transition in said right of way line, from said
4 point a concrete right-of-way monument found bears $N 88^{\circ} 09' 42'' W$
5 3.88 ft.;

6 Thence $N 82^{\circ} 16' 35'' W$ 329.66 ft. along the north right of way
7 line of said F. M. Highway No. 980, same being the common line
8 between said Livingston Development, Ltd. tract and said State of
9 Texas called 11.117 acre tract, to a 1/2" iron rod set marking an
10 angle point in said right of way line;

11 Thence $S 86^{\circ} 27' 19'' W$ 900.89 ft. along the north right of way
12 line of said F. M. Highway No. 980, same being the common line
13 between said Livingston Development, Ltd. tract and said State of
14 Texas called 11.117 acre tract, to a 1/2" iron rod set marking an
15 angle point in said right of way line;

16 Thence $S 89^{\circ} 00' 00'' W$ 500.00 ft. along the north right of way
17 line of said F. M. Highway No. 980, same being the common line
18 between said Livingston Development, Ltd. tract and said State of
19 Texas called 11.117 acre tract, to a 1/2" iron rod set marking an
20 angle point in said right of way line, from said point a concrete
21 right-of-way monument found bears $S 83^{\circ} 34' 59'' W$ 13.51 ft.;

22 Thence $S 88^{\circ} 32' 59'' W$ 1,272.43 ft. along the north right of
23 way line of said F. M. Highway No. 980, same being the south line of
24 said Livingston Development, Ltd. tract, common in part with said
25 State of Texas called 11.117 acre tract and said State of Texas
26 called 14.509 acre tract, crossing the common survey line between
27 said Kennedy Survey and said Foster Survey, to a 1/2" iron rod set

1 marking an angle point in said right of way line, from said point a
2 concrete right-of-way monument found bears S 05° 17' 10" W 0.88 ft.;

3 Thence N 86° 05' 06" W 315.22 ft. along the north right of way
4 line of said F. M. Highway No. 980, same being the common line
5 between said Livingston Development, Ltd. tract and said State of
6 Texas called 14.509 acre tract, to a 1/2" iron rod set marking an
7 angle point in said right of way line, from said point a concrete
8 right-of-way monument found bears S 85° 05' 33" E 4.97 ft.;

9 Thence N 81° 08' 00" W 193.36 ft. along the north right of way
10 line of said F. M. Highway No. 980, same being the common line
11 between said Livingston Development, Ltd. tract and said State of
12 Texas called 14.509 acre tract, to a 1/2" iron rod set marking the
13 P.C. of a curve in said right of way line, from said point a concrete
14 right-of-way monument found bears S 79° 01' 44" E 5.11 ft.;

15 Thence 1,038.16 ft. in a northwesterly direction along the
16 north right of way line of said F. M. Highway No. 980, same being the
17 common line between said Livingston Development, Ltd. tract and
18 said State of Texas called 14.509 acre tract, in a curve to the
19 right having a central angle of 32° 09' 18", the radius being
20 1,849.86 ft., and the chord bears N 59° 05' 39" W 1,024.59 ft. to a
21 1/2" iron rod found marking the P. T. of said curve;

22 Thence N 43° 01' 00" W 928.17 ft. along the northeast right of
23 way line of said F. M. Highway No. 980, same being the common line
24 between said Livingston Development, Ltd. tract and said State of
25 Texas called 14.509 acre tract, to a 1/2" iron rod set marking an
26 angle point in said right of way line, from said point a concrete
27 right-of-way monument found bears N 21° 10' 38" W 1.74 ft.;

1 Thence N 34° 25' 00" W 200.03 ft. along the northeast right of
2 way line of said F. M. Highway No. 980, same being the common line
3 between said Livingston Development, Ltd. tract and said State of
4 Texas called 14.509 acre tract, to a 1/2" iron rod set marking an
5 angle point in said right of way line, from said point a concrete
6 right-of-way monument found bears S 73° 58' 55" W 0.96 ft.;

7 Thence N 43° 01' 00" W 195.67 ft. along the northeast right of
8 way line of said F. M. Highway No. 980, same being the common line
9 between said Livingston Development, Ltd. tract and said State of
10 Texas called 14.509 acre tract, to the place of beginning and
11 containing within these bounds 465.349 acres of land.

12 Parcel Two: 9.492 Acres

13 Beginning at a 1/2" iron rod found for the north common corner
14 between said Livingston Development, Ltd. called 9.774 acres
15 described as "Tract No. 2" in deed recorded in Volume 173, Page 749
16 of the San Jacinto County Official Public Records and the called
17 0.389 acre tract described as "Second Tract" in deed to Woodrow H.
18 Archer, Sr. and wife, Fredrica A. Archer, recorded in Volume 216,
19 Page 876 of said Official Public Records, located on the common
20 survey line between the John Foster Survey, A-115, and the Francis
21 Kennedy Survey, A-194, and also being located on the southwest
22 right of way line of F. M. Highway No. 980, said point being the
23 south common corner between the called 14.509 acres described as
24 "Part XIII" and the called 11.117 acres described as "Part XIV" in
25 deed to the State of Texas recorded in Volume 120, Page 82 of said
26 Deed Records;

27 Thence S 00° 49' 01" E, along the common survey line between

1 said Foster and Kennedy Surveys, same being the common line between
2 said Livingston Development, Ltd. tract and said Archer called
3 0.389 acre tract, at 51.10 ft. pass the west common corner between
4 said Kennedy Survey and the O. C. Wakefield Survey, A-471, same
5 being the west common corner between said Archer called 0.389 acre
6 tract and the called 2 acre tract described as "First Tract" in said
7 Archer deed, and continuing S 00° 49' 01" E, along the common survey
8 line between said Foster and Wakefield Surveys, same being the
9 common line between said Livingston Development, Ltd. and said
10 Archer called 2 acre tract, in all a total distance of 178.93 to a
11 concrete monument found for the northeast corner of the called
12 13.96 acre tract described in deed to Gordon Bryant Chamness
13 recorded under Clerk's File No. 02-3693 of said Official Public
14 Records, from said point a 1/2" iron rod found bears S 07° 29' 11" W
15 14.80 ft.;

16 Thence S 86° 24' 56" W 631.78 ft. along the north line of said
17 Chamness called 13.96 acre tract to a 1" iron pipe found for the
18 north common corner between said Chamness tract and the called 3.01
19 acre tract described in deed to George H. Carter recorded in Volume
20 119, Page 405 of said Deed Records;

21 Thence S 85° 17' 16" W 331.92 ft. along the north line of said
22 Carter called 3.01 acre tract to a concrete monument found for west
23 common corner between said Carter tract and said Livingston
24 Development, Ltd. tract, located within the rights-of-way of Ryans
25 Ferry Road [a 60 ft. wide county maintained public roadway], from
26 said point a 6" cylinder found bears N 05° 45' 24" W 3.91 ft.;

27 Thence N 71° 52' 13" W 18.20 ft. along the south line of said

1 Livingston Development, Ltd. tract, with the rights-of-way of said
2 Ryans Ferry Road, to a rail road spike set for the south common
3 corner between said Livingston Development, Ltd. tract and the
4 called 0.62 acre tract described as "Tract Two" in deed to Troy L.
5 Morgan and wife, Sheryl L. Morgan, recorded in Volume 241, Page 2 of
6 said Official Public Records;

7 Thence N 42° 58' 13" W 286.92 ft. along the common line between
8 said Livingston Development, Ltd. tract and said Morgan called 0.62
9 acre, within the rights-of-way of said Ryans Ferry Road, to a 5/8"
10 iron rod found marking an angle point in said line located in the
11 centerline of said road;

12 Thence N 53° 25' 00" W 304.89 ft. along the common line between
13 said Livingston Development, Ltd. tract and said Morgan called 0.62
14 acre, same being the centerline of said Ryans Ferry Road, to a rail
15 road spike set marking an angle point in said line;

16 Thence N 46° 05' 01" W 241.16 ft. along the common line between
17 said Livingston Development, Ltd. tract and said Morgan called 0.62
18 acre, same being the centerline of said Ryans Ferry Road, to a rail
19 road spike set marking an angle point in said line;

20 Thence S 88° 18' 01" W 77.58 ft. along the common line between
21 said Livingston Development, Ltd. tract and said Morgan called 0.62
22 acre, crossing the southwest right-of-way line of said Ryans Ferry
23 Road, to a concrete monument found marking the common corner
24 between said Livingston Development, Ltd. tract, said Morgan called
25 0.62 acre, the called 21.25 acre tract described as "Tract One" in
26 said Morgan deed, and the called 6.64 acre tract described in deed
27 to Frank O'Connor and wife, Wallie O'Connor, recorded in Volume 198,

1 Page 816 of said Deed Records;

2 Thence N 51° 18' 00" W 161.95 ft. along the common line between
3 said Livingston Development, Ltd. tract and said O'Connor called
4 6.64 acre tract to a concrete monument found for corner;

5 Thence N 33° 36' 54" W 261.13 ft. along the common line between
6 said Livingston Development, Ltd. tract and said O'Connor called
7 6.64 acre tract to a 1/2" iron rod found for corner located in the
8 centerline of Ryans Ferry Road;

9 Thence N 50° 18' 38" W 504.13 ft. along the southwest line of
10 said Livingston Development, Ltd. tract, common in part with the
11 northeast line of said O'Connor called 6.64 acre tract and the
12 called 3.3 acres described in deed to Marine Williams Brown
13 recorded in Volume 84, Page 531 of said Official Public Records, to
14 a 1/2" iron rod found for corner, located within the rights-of-way
15 of said Ryans Ferry Road;

16 Thence N 16° 16' 00" W 252.29 ft. along the common line between
17 said Livingston Development, Ltd. tract and said Brown called 3.3
18 acre tract, crossing the northeast right of way line of said Ryans
19 Ferry Road, to a 1/2" iron rod found for corner, located on the
20 southwest right of way line of said F. M. Highway No. 980, same
21 being the southwest line of said State of Texas called 14.509 acres;

22 Thence S 43° 01' 00" E 781.50 ft. along the common line between
23 said Livingston Development, Ltd. tract and said State of Texas
24 called 14.509 acre tract, same being the southwest right of way line
25 of said F. M. Highway No. 980, to a 1/2" iron rod set marking the
26 P.C. of a curve in said right of way line, from said point a concrete
27 right-of-way monument found bears S 44° 12' 03" E 0.49 ft.;

1 Thence 1,649.69 ft. in a southeasterly direction along the
2 common line between said Livingston Development, Ltd. tract and
3 said State of Texas called 14.509 acre tract, same being the
4 southwest right of way line of said F. M. Highway No. 980, in a curve
5 to the left having a central angle of $47^{\circ} 59' 00''$, the radius being
6 1,969.86 ft. and the chord bears $S 67^{\circ} 00' 30'' E$ 1,601.91 to a $1/2''$
7 iron rod found marking the P.T. of said curve;

8 Thence $S 89^{\circ} 39' 00'' E$ 389.52 ft. along common line between
9 said Livingston Development, Ltd. tract and said State of Texas
10 called 14.509 acre tract, same being the south right of way line of
11 said F. M. Highway No. 980 to the place of beginning and containing
12 within these bounds 9.492 acres of land.

13 Parcel Three: 19.766 Acres

14 Beginning at a concrete monument found marking the west
15 common corner between said Livingston Development, Ltd. called
16 19.771 acres described in deed recorded in Volume 251, Page 17 of
17 the San Jacinto County Official Public Records and the residue of
18 the Thomas S. Foster Estate called 512 acres described in deed
19 recorded in Volume 6, Page 378 of the San Jacinto County Deed
20 Records, located on the common survey line between the John Colvin
21 Survey, A-10, and the Francis Kennedy Survey, A-194, said point
22 being an angle point in the northeast line of the called 465.192
23 acres (465.349 acres by re-survey) described as "Tract No. 1" in
24 deed to Livingston Development, Ltd. recorded in Volume 173, Page
25 749 of said Official Public Records;

26 Thence $N 23^{\circ} 28' 18'' W$ 494.42 ft. (called $N 23^{\circ} 31' 00'' E$ 494.23
27 ft. in said called 465.192 acre deed) along common line between said

1 Livingston Development, Ltd. called 19.771 acre tract and said
2 Livingston Development, Ltd. 465.349 acre tract to a concrete
3 monument found for the north common corner between said tracts,
4 same being the south common corner between the called 193.64 acres
5 described as Fee Tract F-5 in deed to the Trinity River Authority of
6 Texas recorded in Volume 107, Page 336 of said Deed Records and the
7 called 16.53 acres described as Fee Tract F-15 in deed to said
8 Trinity River Authority of Texas recorded in Volume 108, Page 161 of
9 said Deed Records;

10 Thence along the common line between said Livingston
11 Development, Ltd. called 19.771 acres and said Trinity River
12 Authority called 193.64 acres as follows:

- 13 N 72° 25' 51" E 134.07 ft. to a 5/8" iron rod found for corner;
- 14 N 36° 20' 36" E 171.32 ft. to a calculated point for corner on
15 a bluff bank;
- 16 N 30° 58' 36" E 246.88 ft. to a calculated point for corner on
17 a bluff bank;
- 18 N 42° 48' 36" E 136.19 ft. to a 5/8" iron rod found for corner;
- 19 N 78° 01' 43" E 160.46 ft. to a 5/8" iron rod found for corner;
- 20 S 86° 17' 35" E 140.42 ft. to a 5/8" iron rod found for corner;
- 21 S 45° 05' 45" E 121.07 ft. to a 5/8" iron rod found for corner;
- 22 S 25° 16' 35" W 141.35 ft. to a 5/8" iron rod found for corner;
- 23 S 20° 22' 07" W 161.28 ft. to a 5/8" iron rod found for corner;
- 24 N 52° 34' 00" E 247.87 ft. to a 5/8" iron rod found for corner;
- 25 N 15° 01' 29" W 157.48 ft. to a 5/8" iron rod found for corner;
- 26 N 83° 01' 46" E 120.34 ft. to a 5/8" iron rod found for corner;
- 27 S 85° 47' 26" E 155.87 ft. to a 5/8" iron rod found for corner;

1 N 49° 39' 35" E 173.19 ft. to a 5/8" iron rod found for corner;
2 N 65° 36' 49" E 119.65 ft. to a calculated point for corner;
3 N 76° 12' 49" E 107.67 ft. to a calculated point for corner;
4 S 07° 31' 49" W 305.54 ft. to a 5/8" iron rod found for corner;
5 S 37° 13' 51" W 209.79 ft. to a 5/8" iron rod found for corner;
6 N 57° 23' 45" E 97.30 ft. to a 5/8" iron rod found for corner;
7 S 55° 59' 18" E 90.80 ft. to a 5/8" iron rod found for corner;
8 S 31° 39' 00" W 144.07 ft. to a 5/8" iron rod found for corner;
9 S 08° 35' 00" E 1.20 ft. to a 5/8" iron rod found for the east
10 common corner between said Livingston Development, Ltd. called
11 19.771 acres and said Foster Estate residue tract;

12 Thence S 67° 22' 17" W 1,310.57 ft. along the common line
13 between said Livingston Development, Ltd. called 19.771 acre tract
14 and said Foster Estate residue tract to the place of beginning and
15 containing within these bounds 19.766 acres of land.

16 SECTION 3. (a) The legal notice of the intention to
17 introduce this Act, setting forth the general substance of this
18 Act, has been published as provided by law, and the notice and a
19 copy of this Act have been furnished to all persons, agencies,
20 officials, or entities to which they are required to be furnished
21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
22 Government Code.

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

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

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

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.