

By: Miles

H.B. No. 4092

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Harris County Improvement District  
3 No. 8; providing authority to impose a tax and issue bonds.

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

5 SECTION 1. LEGISLATIVE FINDINGS. (a) The legislature  
6 finds that the Harris County Improvement District No. 8 is created  
7 under the general authority of the Texas Legislature to legislate  
8 for the public good.

9 (b) The legislature further finds that:

10 (1) the area of the proposed Harris County Improvement  
11 District No. 8 is in an area that will develop into one of the  
12 state's most dynamic activity centers and will be the location of  
13 numerous commercial, office, retail, and residential buildings;

14 (2) the area is presently served with an inadequate  
15 public transportation system and has an inadequate system of  
16 streets and public parking facilities;

17 (3) residents, workers, visitors, customers, and  
18 other persons accessing the area must primarily use motor vehicles,  
19 which use will place an undue burden on the street system in the  
20 district and result in severe congestion that retards mobility of  
21 persons and property and impairs the use of the area as one of the  
22 state's primary economic and business centers;

23 (4) the absence of an adequate system of parking  
24 facilities, including park and ride facilities, discourages the use

1 of public transportation and further aggravates vehicular  
2 congestion in the area;

3 (5) motor vehicles are generally powered by internal  
4 combustion engines that emit pollutants into the air, which results  
5 in dangers to the public health and welfare;

6 (6) the proliferation of the use of motor vehicles for  
7 passenger transportation in the area will be caused in substantial  
8 part by the absence of an adequate public transportation system and  
9 an adequate system or network of public parking facilities;

10 (7) provision of an adequate system of public parking  
11 facilities and public transit and transportation facilities will  
12 accomplish the public purposes of Section 52-a, Article III, Texas  
13 Constitution, by stimulating transportation and commerce in the  
14 area and in the state and will serve the further public purpose of  
15 reducing the pollutants discharged into the air, thus reducing the  
16 threat to the public health and welfare and preserving and  
17 conserving the natural resources of this state as mandated by  
18 Section 59, Article XVI, Texas Constitution; and

19 (8) in order for the area to have an adequate public  
20 transit system and an adequate system of public parking it will be  
21 necessary for the district to be able to take advantage of all  
22 public and private funds and opportunities available and be  
23 empowered to contract with other public agencies and with private  
24 entities to jointly provide the systems.

25 SECTION 2. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 8.  
26 Subtitle C, Title 4, Special District Local Laws Code, is amended by  
27 adding Chapter 3848 to read as follows:

1           CHAPTER 3848. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 8

2                   SUBCHAPTER A. GENERAL PROVISIONS

3           Sec. 3848.001. DEFINITIONS. In this chapter:

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

6                   (2) "District" means the Harris County Improvement  
7 District No. 8.

8           Sec. 3848.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 8.

9 The Harris County Improvement District No. 8 is a special district  
10 created under Section 59, Article XVI, Texas Constitution.

11           Sec. 3848.003. PURPOSE; DECLARATION OF INTENT. (a) The

12 creation of the district is essential to accomplish the purposes of  
13 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
14 Texas Constitution, and other public purposes stated in this  
15 chapter. By creating the district and in authorizing Harris  
16 County, the City of Houston, the Metropolitan Transit Authority of  
17 Harris County, and other political subdivisions to contract with  
18 the district, the legislature has established a program to  
19 accomplish the public purposes set out in Section 52-a, Article  
20 III, Texas Constitution.

21           (b) The creation of the district is necessary to promote,  
22 develop, encourage, and maintain transportation, parking, housing,  
23 recreation, the arts, safety, scenic beauty, and the public welfare  
24 in the area of the district.

25           (c) This chapter and the creation of the district may not be  
26 interpreted to relieve Harris County or the City of Houston from  
27 providing the level of services provided as of September 1, 2007, to

1 the area in the district. The district is created to supplement and  
2 not to supplant the county or city services provided in the area in  
3 the district.

4 Sec. 3848.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
5 The district is created to serve a public use and benefit.

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

11 (c) The district will:

12 (1) promote the health, safety, and general welfare of  
13 district residents and the public;

14 (2) provide needed funding for the district to  
15 preserve, maintain, and enhance the economic health and vitality of  
16 the area as a residential neighborhood and a commercially viable  
17 area; and

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

22 (d) Pedestrian ways along or across a street, whether at  
23 grade or above or below the surface, and street lighting, street  
24 landscaping, and street art objects are parts of and necessary  
25 components of a street and are considered to be a street or road  
26 improvement.

27 (e) The district will not act as the agent or

1 instrumentality of any private interest even though the district  
2 will benefit many private interests as well as the public.

3 Sec. 3848.005. DISTRICT TERRITORY. The district is  
4 composed of the territory described by Section 3 of the Act enacting  
5 this chapter, as that territory may have been modified under:

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

7 (2) other law.

8 Sec. 3848.006. APPLICABILITY OF MUNICIPAL MANAGEMENT  
9 DISTRICTS LAW. Except as otherwise provided by this chapter,  
10 Chapter 375, Local Government Code, applies to the district.

11 Sec. 3848.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
12 chapter shall be liberally construed in conformity with the  
13 findings and purposes stated in this chapter.

14 [Sections 3848.008-3848.050 reserved for expansion]

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 3848.051. COMPOSITION; TERMS. (a) The district is  
17 governed by a board of seven voting directors who serve staggered  
18 terms of four years, with three or four directors' terms expiring  
19 June 1 of each odd-numbered year.

20 (b) The board by resolution may increase or decrease the  
21 number of voting directors on the board, but only if it is in the  
22 best interest of the district to do so. The board may not:

23 (1) increase the number of directors to more than  
24 nine; or

25 (2) decrease the number of directors to fewer than  
26 five.

27 Sec. 3848.052. APPOINTMENT OF DIRECTORS. The mayor and

1 members of the governing body of the City of Houston shall appoint  
2 voting directors from persons recommended by the board. A person is  
3 appointed if a majority of the members of the governing body,  
4 including the mayor, vote to appoint that person.

5 Sec. 3848.053. NONVOTING DIRECTORS. (a) The following  
6 persons serve as nonvoting directors:

7 (1) the directors of the following departments of the  
8 City of Houston or a person designated by that director:

9 (A) parks and recreation;

10 (B) planning and development; and

11 (C) public works; and

12 (2) the City of Houston's chief of police.

13 (b) If a department described by Subsection (a) is  
14 consolidated, renamed, or changed, the board may appoint a director  
15 of the consolidated, renamed, or changed department as a nonvoting  
16 director. If a department described by Subsection (a) is  
17 abolished, the board may appoint a representative of another  
18 department that performs duties comparable to those performed by  
19 the abolished department.

20 Sec. 3848.054. QUORUM. (a) A majority of the board is a  
21 quorum.

22 (b) Nonvoting directors and vacant director positions are  
23 not counted for the purposes of establishing a board quorum.

24 Sec. 3848.055. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

25 (a) Except as provided by this section:

26 (1) a director may participate in all board votes and  
27 decisions; and

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

3           (b) Section 171.004, Local Government Code, does not apply  
4 to the district. A director who has a substantial interest in a  
5 business or charitable entity that will receive a pecuniary benefit  
6 from a board action shall file a one-time affidavit declaring the  
7 interest. An additional affidavit is not required if the  
8 director's interest changes. After the affidavit is filed with the  
9 board secretary, the director may participate in a discussion or  
10 vote on that action if:

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

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

15           (c) A director who is also an officer or employee of a public  
16 entity may not participate in the discussion of or vote on a matter  
17 regarding a contract with that public entity.

18           (d) For purposes of this section, a director has a  
19 substantial interest in a charitable entity in the same manner that  
20 a person would have a substantial interest in a business entity  
21 under Section 171.002, Local Government Code.

22           Sec. 3848.056. COMPENSATION OF VOTING DIRECTORS. Voting  
23 directors may receive fees of office and reimbursement of expenses  
24 as provided by Section 49.060, Water Code.

25           Sec. 3848.057. INITIAL VOTING DIRECTORS. (a) The initial  
26 board consists of the following voting directors:

	<u>Pos. No.</u>	<u>Name of Director</u>
1		
2	<u>1</u>	_____
3	<u>2</u>	_____
4	<u>3</u>	_____
5	<u>4</u>	_____
6	<u>5</u>	_____
7	<u>6</u>	_____
8	<u>7</u>	_____

9           (b) Of the initial voting directors, the terms of directors  
10 appointed for positions 1 through 4 expire June 1, 2009, and the  
11 terms of directors appointed for positions 5 through 7 expire June  
12 1, 2011.

13           (c) Section 3848.052 does not apply to this section.

14           (d) This section expires September 1, 2011.

15           [Sections 3848.058-3848.100 reserved for expansion]

16                           SUBCHAPTER C. POWERS AND DUTIES

17           Sec. 3848.101. DEVELOPMENT CORPORATION AND HOUSING  
18 CORPORATION POWERS OF DISTRICT. The district may exercise the  
19 powers given to:

20                   (1) a corporation under Section 4B, Development  
21 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil  
22 Statutes), including the power to own, operate, acquire, construct,  
23 lease, improve, and maintain the projects described by that  
24 section; and

25                   (2) a housing finance corporation under Chapter 394,  
26 Local Government Code, to provide housing or residential  
27 development projects in the district.



1       Sec. 3848.102. NONPROFIT CORPORATION. (a) The board by  
2 resolution may authorize the creation of a nonprofit corporation to  
3 assist and act for the district in implementing a project or  
4 providing a service authorized by this chapter.

5       (b) The nonprofit corporation:

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

9           (2) may implement any project and provide any service  
10 authorized by this chapter.

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

17       Sec. 3848.103. AGREEMENTS; GRANTS. (a) The district may  
18 make an agreement with or accept a gift, grant, or loan from any  
19 person.

20       (b) The implementation of a project is a governmental  
21 function or service for the purposes of Chapter 791, Government  
22 Code.

23       Sec. 3848.104. CONTRACT FOR LAW ENFORCEMENT SERVICES. To  
24 protect the public interest, the district may contract with Harris  
25 County or the City of Houston for the county or the city to provide  
26 law enforcement services in the district for a fee.

27       Sec. 3848.105. APPROVAL BY CITY OF HOUSTON. (a) Except as

1 provided by Subsection (b), the district must obtain the approval  
2 of the City of Houston's governing body for:

3 (1) the issuance of a bond for each improvement  
4 project;

5 (2) the plans and specifications of the improvement  
6 project financed by the bond; and

7 (3) the plans and specifications of any district  
8 improvement project related to the use of land owned by the City of  
9 Houston, an easement granted by the City of Houston, or a  
10 right-of-way of a street, road, or highway.

11 (b) If the district obtains the approval of the City of  
12 Houston's governing body of a capital improvements budget for a  
13 period not to exceed five years, the district may finance the  
14 capital improvements and issue bonds specified in the budget  
15 without further approval from the City of Houston.

16 Sec. 3848.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
17 district may join and pay dues to an organization that:

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

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

22 Sec. 3848.107. ROAD POWERS. (a) The district may exercise  
23 the powers given to:

24 (1) a road district created under Chapter 257,  
25 Transportation Code; and

26 (2) a road utility district created under Chapter 441,  
27 Transportation Code.

1       (b) The district does not need the approval of the Texas  
2 Department of Transportation or the Texas Transportation  
3 Commission to construct a road or street if the director of public  
4 works of the City of Houston has approved the road or street.

5       Sec. 3848.108. AIR RIGHTS; CONSTRUCTION. The district may  
6 acquire air rights and may construct improvements on property on  
7 which it only owns air rights.

8       Sec. 3848.109. ADDITIONAL PROPERTY RIGHTS; LEASEHOLDS. The  
9 district may construct improvements on property on which it only  
10 has a leasehold interest and may own undivided interests in  
11 buildings and other improvements.

12       Sec. 3848.110. NO EMINENT DOMAIN POWER. The district may  
13 not exercise the power of eminent domain.

14       [Sections 3848.111-3848.150 reserved for expansion]

15       SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

16       Sec. 3848.151. PUBLIC TRANSIT SYSTEM. The district may  
17 acquire, lease as lessor or lessee, construct, develop, own,  
18 operate, and maintain a public transit system to serve the area  
19 within the boundaries of the district.

20       Sec. 3848.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
21 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease  
22 as lessor or lessee, construct, develop, own, operate, and maintain  
23 parking facilities, including:

24           (1) lots, garages, parking terminals, or other  
25 structures or accommodations for the parking of motor vehicles; and

26           (2) equipment, entrances, exits, fencing, and other  
27 accessories necessary for safety and convenience in the parking of

1 vehicles.

2 (b) A parking facility of the district must be either leased  
3 to or operated on behalf of the district by a private entity or an  
4 entity other than the district. The district's parking facilities  
5 are a program authorized by the legislature under Section 52-a,  
6 Article III, Texas Constitution, and accomplish a public purpose  
7 under that section even if leased or operated by a private entity  
8 for a term of years.

9 (c) The district's public parking facilities and any lease  
10 to a private entity are exempt from the payment of ad valorem taxes  
11 and state and local sales and use taxes.

12 Sec. 3848.153. RULES. The district may adopt rules  
13 covering its public transit system or its public parking facilities  
14 except that a rule relating to or affecting the use of the public  
15 right-of-way or a requirement for off-street parking is subject to  
16 all applicable municipal charter, code, or ordinance requirements.

17 Sec. 3848.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR  
18 PARKING FACILITIES. (a) The district may use any of its resources,  
19 including revenue, assessments, taxes, and grant or contract  
20 proceeds, to pay the cost of acquiring and operating a public  
21 transit system or public parking facilities.

22 (b) The district may set and impose fees, charges, or tolls  
23 for the use of the public transit system or the public parking  
24 facilities and may issue bonds or notes to finance the cost of these  
25 facilities.

26 (c) If the district pays for or finances the cost of  
27 acquiring or operating a public transit system or public parking

1 facilities with resources other than assessments, a petition of  
2 property owners or a public hearing is not required.

3 Sec. 3848.155. AGREEMENT WITH RAPID TRANSIT AUTHORITY. (a)  
4 In this section, "authority" means a rapid transit authority  
5 created under Chapter 451, Transportation Code.

6 (b) The district and an authority may agree to jointly  
7 construct, own, operate, and maintain a transit facility or a  
8 parking facility under the terms the authority and district desire.

9 (c) The agreement may provide that the district and the  
10 authority exchange or trade land provided that each party to the  
11 agreement receives fair market value. The authority is not  
12 required to offer any property that it proposes to trade to the  
13 district for sale to the public or for sale to any abutting property  
14 owner.

15 [Sections 3848.156-3848.200 reserved for expansion]

16 SUBCHAPTER E. FINANCIAL PROVISIONS

17 Sec. 3848.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
18 board by resolution shall establish the number of directors'  
19 signatures and the procedure required for a disbursement or  
20 transfer of the district's money.

21 Sec. 3848.202. PETITION REQUIRED FOR FINANCING SERVICES AND  
22 IMPROVEMENTS. (a) The board may not finance a service or  
23 improvement project with assessments under this chapter unless a  
24 written petition requesting that service or improvement has been  
25 filed with the board.

26 (b) A petition requesting a project financed by assessment  
27 must be signed by:

1           (1) the owners of a majority of the assessed value of  
2 real property in the district subject to assessment according to  
3 the most recent certified tax appraisal roll for Harris County;

4           (2) at least 25 owners of real property in the district  
5 that will be subject to the assessment, if more than 25 persons own  
6 real property subject to the assessment in the district according  
7 to the most recent certified tax appraisal roll for Harris County;

8           (3) the owners of a majority of the surface area of  
9 real property in the district subject to assessment as determined  
10 by the board; or

11           (4) the owners of a majority of the number of platted  
12 lots of real property subject to assessment as determined by the  
13 board.

14           Sec. 3848.203. MAINTENANCE TAX. (a) If authorized at an  
15 election held in accordance with Section 3848.208, the district may  
16 impose an annual ad valorem tax on taxable property in the district  
17 to:

- 18                   (1) administer the district;  
19                   (2) maintain and operate the district;  
20                   (3) construct or acquire improvements; or  
21                   (4) provide a service.

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

23           (c) An owner of real property in the district, except  
24 property exempt under the Texas or United States Constitution or  
25 under the Tax Code, is liable for the payment of ad valorem taxes  
26 imposed by the district on the property.

27           Sec. 3848.204. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

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

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

8 (1) are a first and prior lien against the property  
9 assessed;

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

13 (3) are the personal liability of and a charge against  
14 the owners of the property even if the owners are not named in the  
15 assessment proceedings.

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

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

24 Sec. 3848.205. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
25 ASSESSMENTS. The district may not impose an impact fee or  
26 assessment on the property, including the equipment,  
27 rights-of-way, facilities, or improvements, of:

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

3           (2) a gas utility as defined by Section 101.003 or  
4 121.001, Utilities Code;

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

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

9           Sec. 3848.206. BONDS AND OTHER OBLIGATIONS. (a) The  
10 district may issue bonds or other obligations payable wholly or  
11 partly from assessments, impact fees, revenue, grants, or other  
12 money of the district, or any combination of those sources of money,  
13 to pay for any authorized purpose of the district.

14           (b) In exercising the district's power to borrow, the  
15 district may issue a bond or other obligation in the form of a bond,  
16 note, certificate of participation or other instrument evidencing a  
17 proportionate interest in payments to be made by the district, or  
18 other type of obligation.

19           Sec. 3848.207. LIMIT ON PARKS AND RECREATION BONDS. Bonds  
20 issued to finance parks and recreational facilities may not exceed  
21 one percent of the assessed value of the real property in the  
22 district according to the most recent certified tax appraisal roll  
23 for Harris County.

24           Sec. 3848.208. TAX AND BOND ELECTIONS. (a) The district  
25 shall hold an election in the manner provided by Subchapter L,  
26 Chapter 375, Local Government Code, to obtain voter approval before  
27 the district imposes a maintenance tax or issues bonds payable from



1 ad valorem taxes.

2 (b) The board may not include more than one purpose in a  
3 single proposition at an election.

4 (c) Section 375.243, Local Government Code, does not apply  
5 to the district.

6 Sec. 3848.209. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
7 OBLIGATIONS. Except as provided by Section 375.263, Local  
8 Government Code, a municipality is not required to pay a bond, note,  
9 or other obligation of the district.

10 Sec. 3848.210. COMPETITIVE BIDDING. Section 375.221, Local  
11 Government Code, applies to the district only for a contract that  
12 has a value greater than \$25,000.

13 [Sections 3848.211-3848.250 reserved for expansion]

14 SUBCHAPTER F. DISSOLUTION

15 Sec. 3848.251. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
16 DEBT. (a) The board may dissolve the district regardless of  
17 whether the district has debt. Section 375.264, Local Government  
18 Code, does not apply to the district.

19 (b) If the district has debt when it is dissolved, the  
20 district shall remain in existence solely for the purpose of  
21 discharging its debts. The dissolution is effective when all debts  
22 have been discharged.

23 SECTION 3. BOUNDARIES. As of the effective date of this  
24 Act, the Harris County Improvement District No. 8 includes all  
25 territory contained in the following described area:

26 METES AND BOUNDS DESCRIPTION OF 104.196 ACRES OF LAND IN THE JOHN  
27 WALTERS SURVEY, ABSTRACT NUMBER 874 HOUSTON, HARRIS COUNTY, TEXAS.

1 104.196 acres (4,538,793 square feet) of land, being three  
2 non-contiguous tracts, being all of Unrestricted Reserves "A", "B"  
3 and "C" of Six Flags Astroworld, Replat No. 1, as recorded under  
4 Film Code Number 580010 of Harris County Map Records, in the John  
5 Walters Survey, Abstract Number 874, Houston, Harris County, Texas,  
6 said 104.196 acres being more particularly described as follows  
7 (bearings are based on the Texas State Plane Coordinate System,  
8 South Central Zone (NAD 83), as derived from GPS observations based  
9 on Continuously Operating Reference Station (CORS) Houston 2  
10 (COH2)):

11 UNRESTRICTED RESERVE "A" 101.832 acres (4,435,829 square feet)

12 BEGINNING at a 5/8-Inch Iron rod found In the southerly  
13 right-of-way line of Interstate Highway 610 (South Loop West) (350  
14 feet wide) as recorded In Harris County Clerk's File Number  
15 B532643, for the most northerly northwest corner of said Reserve  
16 "A" and the northeast corner of the residue of a called 7.697 acre  
17 tract of land described in a deed to John Jay Davis. and James  
18 Donahue Davis, as recorded under Harris County Clerk's File Number  
19 N205522;

20 THENCE, along the southerly right-of-way line of said Interstate  
21 Highway 610, as follows:

22 North 85 degrees 43 minutes 49 seconds East, a distance of 764.67  
23 feet, to a 3/4-inch iron rod with "CLR" cap found for a point of  
24 curve;

25 Along the arc of a 5938.17 foot radius curve to the left, having a  
26 central angle of 10 degrees 56 minutes 34 seconds, an arc length of  
27 1134.11 feet, and a chord

1 which bears North 80 degrees 15 minutes 33 seconds East, a distance  
2 of 1132.39 feet, to a 5/8-inch iron rod found for a point of  
3 tangency;

4 North 74 degrees 47 minutes 16 seconds East, a distance of 474.85  
5 feet, to a 3/4-inch iron rod with "CLR" cap found for a point of  
6 curve;

7 THENCE, leaving the southerly right-of-way line of said Interstate  
8 Highway 610, along the arc of a 25.00 foot radius curve to the  
9 right, having a central angle of 46 degrees 50 minutes 13 seconds,  
10 an arc length of 20.44 feet, and a chord which bears South 81  
11 degrees 47 minutes 38 seconds East, a distance of 19..87 feet, to a  
12 point for corner in the west right-of-way line of *Fannin Street*  
13 (*width varies*) (*comer unable to be set*);

14 THENCE, along the westerly right-of-way line of said Fannin Street,  
15 as follows:

16 South 03 degrees 37 minutes 26 seconds East, a distance of 13.64  
17 feet, to a point of curve (corner unable to be set);

18 Along the arc of a 3010.00 foot radius curve to the left, having a  
19 central angle of 01 degree 13 minutes 03 seconds, an arc length of  
20 63.96 feet, and a chord which bears South 04 degrees 13 minutes 57  
21 seconds East, a distance of 63.96 feet, to a 3/4-inch iron rod with  
22 "CLR" cap found for a point of tangency;

23 South 04 degrees 50 minutes 28 seconds East, a distance of 212.17  
24 feet, to a 3/4-inch iron rod with "CLR" cap found for corner;

25 South 02 degrees 28 minutes 41 seconds East, a distance of 136.62  
26 feet, to a point for corner (corner unable to be set);

27 South 00 degrees 40 minutes 14 seconds East, a distance of 870.60

1 feet, to a 5/8-inch iron rod with "Clarkson" cap found in the north  
2 line of a called 6.289 acre tract of land described In a deed to  
3 Metropolitan Transit Authority of Harris County, Texas, as recorded  
4 under Harris County Clerk's File Number V491408, for the most  
5 easterly southeast corner hereof;  
6 THENCE, South 68 degrees 55 minutes 46 seconds West, a distance of  
7 526.60 feet, leaving the westerly right-of-way line of said Fannin  
8 Street, to a 5/8-inch iron rod found for the northwest corner of  
9 said called 6.289 acre tract and for an interior corner hereof;  
10 THENCE, South 16 degrees 48 minutes 57 seconds East, a distance of  
11 592.88 feet, to a cut "X" in the top of a concrete wall found in the  
12 northerly right-of-way  
13 line of West Bellfort Avenue (width varies), for the southwest  
14 corner of said called 6.289 acre tract and the most southerly  
15 southeast corner hereof;  
16 THENCE, along the northerly right-of-way line of said West Bellfort  
17 Avenue, as follows;  
18 Along the arc of a 1094.45 foot radius non-tangent curve to the  
19 right, having a central angle of 04 degrees 38 minutes 31 seconds,  
20 an arc length of 88.67 feet, and a chord which bears South 84  
21 degrees 25 minutes 50 seconds West, a distance of 88.65 feet, to a  
22 cut "X" in the top of a concrete wall found for a point of tangency;  
23 South 86 degrees 45 minutes 05 seconds West, a distance of 1296.70  
24 feet, to a 3/4-inch Iron rod with "CLR" cap found for a point of  
25 curve;  
26 Along the arc of a 1960.00 foot radius curve to the right, having a  
27 central angle of 16 degrees 59 minutes 02 seconds, an arc length of

1 580.99 feet, and a chord which bears North 84 degrees 45 minutes 24  
2 seconds West, a distance of 578.87 feet, to a 3/4-inch iron rod with  
3 "CLR" cap found for a point of tangency;  
4 North 76 degrees 15 minutes 52 seconds West, a distance of 359.92  
5 feet, to a 3/4-inch Iron rod with "CLR" cap found for a point of  
6 curve;  
7 Along the arc of a 2050.00 foot radius non-tangent curve to the  
8 left, having a central angle of 02 degrees 20 minutes 12 seconds, an  
9 arc length of 83.60 feet, and a chord which bears North 77 degrees  
10 34 minutes 45 seconds West, a distance of 83.59 feet, to a 3/4-inch  
11 iron rod with "CLR" cap found for a point of tangency;  
12 North 40 degrees 38 minutes 02 seconds West, a distance of 31.42  
13 feet, to a 3/4-inch iron rod with "CLR" cap found for the northwest  
14 end of a cut-back at the northeast corner of the intersection of  
15 said West Bellfort Drive and Kirby Drive (width varies) for the most  
16 westerly southwest corner hereof;  
17 THENCE, North 02 degrees 27 minutes 33 seconds West, a distance of  
18 713.06 feet, along the easterly right-of-way line of said Kirby  
19 Drive, to a 5/8-inch iron rod found for the southwest corner of the  
20 aforementioned called 7.697 acre tract, and the most westerly  
21 northwest corner hereof;  
22 THENCE, North 86 degrees 33 minutes 51 seconds East, a distance of  
23 399.78 feet, leaving the easterly right-of-way line of said Kirby  
24 Drive, to a 3/4-Inch rod found for the southeast corner of said  
25 called 7.697 acre tract, and an interior corner hereof;  
26 THENCE, North 02 degrees 16 minutes 18 seconds West, a distance of  
27 848.62 feet, to the POINT OF BEGINNING and containing a computed

1 area of 101.832 acres (4,435,829 square feet) of land in said.  
2 Unrestricted Reserve "A".

3 UNRESTRICTED RESERVE "B" 1.909 acres (83,157 square feet)

4 BEGINNING at a 5/8-Inch Iron rod found in the easterly right-of-way  
5 line of said Kirby Drive, for the northwest corner of Unrestricted  
6 Reserve "F" in Section I of South Point Business Park, as recorded  
7 in Volume 230, Page 136, Harris County Map Records, and the  
8 southwest corner *hereof*;

9 THENCE, North 02 degrees 27 minutes 33 seconds West, a distance of  
10 145.37 feet, along the *easterly right-of-way* line of said Kirby  
11 Drive, to a point for corner in a power pole at the southwesterly  
12 end of a curve return at the southeast corner of the intersection of  
13 said Kirby Drive and the aforementioned West Bellfort Drive;

14 THENCE, leaving the easterly right-of-way line of said Kirby Drive,  
15 along the arc of a 50.00 foot radius non-tangent curve to the right,  
16 having a central angle of 106 degrees 46 minutes 14 seconds, an arc  
17 length of 9317 feet, and a chord which bears North 50 degrees 41  
18 minutes 45 seconds East, a distance of 80.27 feet, to a 3/4-inch  
19 iron rod with "CLR" cap found for a point of compound curve;

20 THENCE, along the south right-of-way line of said West Bellfort  
21 Avenue, as follows;

22 Along the arc of a 1950.00 foot radius curve to the right, having a  
23 central angle of 00 degrees 15 minutes 30 seconds, an arc length of  
24 8.79 feet, and a chord which bears South 76 degrees 23 minutes 37  
25 seconds East, a distance of 8.79 feet, to a 3/4-inch iron rod with  
26 "CLR" cap found for a point of tangency;

27 South 76 degrees 15 minutes 52 seconds East, a distance of 294.43

1 feet, to a 3/4-inch iron rod with "CLR" cap found for a point of  
2 curve;

3 Along the arc of a 2040.00 foot radius non-tangent curve to the  
4 left, having a central angle of 16 degrees 59 minutes 03 seconds, an  
5 arc length of 604.71 feet, and a chord which bears South 84 degrees  
6 46 minutes 12 seconds East, a distance of 602.50 feet, to a 3/4-inch  
7 iron rod with "CLR" cap found for a point of tangency;

8 North 86 degrees 44 minutes 17 seconds East, a distance of 88.58  
9 feet, to a 3/4-inch Iron rod with "CLR" cap found for the northwest  
10 end of a cut-back corner at the southwest corner of the intersection  
11 of said West Bellfort Drive and Centerpoint Drive (60 feet wide);

12 THENCE, South 47 degrees 54 minutes 45 seconds East, a distance of  
13 21.14 feet, leaving the south right-of-way line of said West  
14 Bellfort Drive, to a 3/4-inch iron rod with "CLR" cap found for the  
15 southeast end of said cut-back corner in the westerly right-of-way  
16 line of said Centerpoint Drive, the northeast corner of  
17 Unrestricted Reserve "B" in Section II of said South Point Business  
18 Park, and the southeast corner hereof;

19 THENCE, South 86 degrees 44 minutes 26 seconds West, a distance of  
20 1056.25 feet, leaving the westerly right-of-way line of said  
21 Centerpoint Drive, with the north line of Section I and Section II  
22 of said South Point Business Park, to the POINT OF BEGINNING and  
23 containing a computed area of 1.909 acres (83,157 square feet) of  
24 land in said Unrestricted Reserve "B".

25 UNRESTRICTED RESERVE "C" 0.455 acres (19,807 square feet)

26 BEGINNING at a 3/4-inch iron rod with "CLR" cap found in the  
27 northerly right-of-way line of the aforementioned West Bellfort

1 Drive, for the northwest corner of the residue of a Houston Lighting  
2 & Power Company Fee Strip, recorded in Volume 1781, Page 199, of the  
3 Harris County Deed Records, and the northeast corner hereof;  
4 THENCE, South 16 degrees 48 minutes 57 seconds East, a distance of  
5 19.94 feet, to a 1-inch galvanized iron pipe found in the north line  
6 of Unrestricted Reserve "A" in Section III of the aforementioned  
7 South Point Business Park, and the southeast corner hereof;  
8 THENCE, South 86 degrees 44 minutes 26 seconds West, a distance of  
9 1313.64 feet, along the north line Section III and Section II of  
10 said South Point Business Park, to a cut "X" set in the tip of a  
11 concrete culvert in the easterly right-of-way line of the  
12 aforementioned Centerpoint Drive, being the southwest end of a  
13 cut-back corner at the southeast corner of the Intersection of said  
14 West Bellfort Drive and said Centerpoint Drive and the southwest  
15 corner hereof;  
16 THENCE, North 42 degrees 05 minutes 15 seconds East, a distance of  
17 21.40 feet, to a 3/4-inch iron rod with "CLR" cap found in the  
18 southerly right-of-way line of said West Bellfort Drive, for the  
19 northeast end of said cut-back corner and the northwest corner  
20 hereof;  
21 THENCE, North 86 degrees 44 minutes 17 seconds East, a distance of  
22 1186.52 feet, along the southerly right-of-way line of said West  
23 Bellfort Drive, to a 3/4-inch iron rod with "CLR" cap found for a  
24 point of curve;  
25 THENCE, continuing along the southerly right-of-way fine of said  
26 West Bellfort Drive, along the arc of a 1341.97 foot radius curve to  
27 the left, having a central angle of 04 degrees 34 minutes 58



1 seconds, an arc length of 107.34 feet, and a chord which bears North  
2 84 degrees 26 minutes 48 seconds East, a distance of 107.31 feet, to  
3 the POINT OF BEGINNING and containing a computed area of 0.455 acres  
4 (19,807 square feet) of land in said Unrestricted Reserve "C", and  
5 containing a total aggregate area of 104.196 acres (4,538,793  
6 square feet) of land.

7 SECTION 4. REIMBURSEMENT FOR COST OF CREATION. The Harris  
8 County Improvement District No. 8 may reimburse the cost of  
9 creating the district from assessments or other revenues created by  
10 the district.

11 SECTION 5. ADDITIONAL LEGISLATIVE FINDINGS. The  
12 legislature finds that:

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

21 (2) the Texas Commission on Environmental Quality has  
22 filed its recommendations relating to this Act with the governor,  
23 lieutenant governor, and speaker of the house of representatives  
24 within the required time;

25 (3) the general law relating to consent by political  
26 subdivisions to the creation of districts with conservation,  
27 reclamation, and road powers and the inclusion of land in those

1 districts has been complied with; and

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

6 SECTION 6. EFFECTIVE DATE. This Act takes effect  
7 immediately if it receives a vote of two-thirds of all the members  
8 elected to each house, as provided by Section 39, Article III, Texas  
9 Constitution. If this Act does not receive the vote necessary for  
10 immediate effect, this Act takes effect September 1, 2007.