

By: Otto

H.B. No. 4093

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Chambers-Liberty Counties Improvement District; 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. CHAMBERS-LIBERTY COUNTIES IMPROVEMENT DISTRICT. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3857 to read as follows:

CHAPTER 3857. CHAMBERS-LIBERTY COUNTIES IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3857.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Chambers-Liberty Counties Improvement District.

Sec. 3857.002. CHAMBERS-LIBERTY COUNTIES IMPROVEMENT DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3857.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing Chambers and

1 Liberty Counties and other political subdivisions to contract with
2 the district, the legislature has established a program to
3 accomplish the public purposes set out in Section 52-a, Article
4 III, Texas Constitution.

5 (b) The creation of the district is necessary to promote,
6 develop, encourage, and maintain automobile and rail
7 transportation, housing, recreation, the arts, safety, and the
8 public welfare in the district territory.

9 (c) This chapter and the creation of the district may not be
10 interpreted to relieve Chambers and Liberty Counties from providing
11 the level of services provided as of the effective date of the Act
12 enacting this chapter to the area in the district. The district is
13 created to supplement and not to supplant the county services
14 provided in the area in the district.

15 Sec. 3857.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

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

22 (c) The district will:

23 (1) promote the health, safety, and general welfare of
24 residents in the district, and of the public;

25 (2) provide needed funding for the district to
26 preserve, maintain, and enhance the economic health and vitality of
27 the district territory as a commercially viable area; and

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

5 (d) Pedestrian ways along or across a street, whether at
6 grade or above or below the surface, and street lighting, street
7 landscaping, parking, and street art objects are parts of and
8 necessary components of a street and are considered to be a street
9 or road improvement.

10 (e) The district will not act as the agent or
11 instrumentality of any private interest even though the district
12 will benefit many private interests as well as the public.

13 Sec. 3857.005. DISTRICT TERRITORY. The district is
14 composed of the territory described by Section 2 of the Act enacting
15 this chapter, as that territory may have been modified under:

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

17 (2) other law.

18 Sec. 3857.006. APPLICABILITY OF MUNICIPAL MANAGEMENT
19 DISTRICTS LAW. Except as otherwise provided by this chapter,
20 Chapter 375, Local Government Code, applies to the district.

21 Sec. 3857.007. LIBERAL CONSTRUCTION OF CHAPTER. This
22 chapter shall be liberally construed in conformity with the
23 findings and purposes stated in this chapter.

24 [Sections 3857.008-3857.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 3857.051. GOVERNING BODY; TERMS. (a) The district is
27 governed by a board of five directors who serve staggered terms of

1 four years, with two or three directors' terms expiring June 1 of
2 each odd-numbered year.

3 (b) The board by resolution may change the number of
4 directors on the board, but only if the board determines that the
5 change is in the best interest of the district. The board may not
6 consist of fewer than five or more than 15 directors.

7 Sec. 3857.052. APPOINTMENT OF DIRECTORS. From persons
8 recommended by the board, the county judge:

9 (1) of Liberty County shall appoint directors for
10 positions 1, 2, and 3; and

11 (2) of Chambers County shall appoint directors for
12 positions 4 and 5.

13 Sec. 3857.053. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

14 (a) Except as provided by this section:

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

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

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

27 (1) a majority of the directors have a similar

1 interest in the same entity; or

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

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

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

11 Sec. 3857.054. COMPENSATION. (a) Sections 375.069 and
12 375.070, Local Government Code, do not apply to the board.

13 (b) Section 49.060, Water Code, applies to the board.

14 Sec. 3857.055. INITIAL DIRECTORS. (a) The initial board
15 consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Ford J. Frost</u>
<u>2</u>	<u>Ann Chiles Frost</u>
<u>3</u>	<u>George M. Kuhn, Jr.</u>
<u>4</u>	<u>Allan Waldrop</u>
<u>5</u>	<u>Steven L. Devillier</u>

22 (b) Of the initial directors, the terms of directors
23 appointed for positions 1 through 3 expire June 1, 2009, and the
24 terms of directors appointed for positions 4 and 5 expire June 1,
25 2011.

26 (c) Section 3857.052 does not apply to this section.

27 (d) This section expires September 1, 2012.

1 [Sections 3857.056-3857.100 reserved for expansion]

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 3857.101. MUNICIPAL UTILITY DISTRICT. The district
4 has the powers given to a municipal utility district created under
5 Chapters 49 and 54, Water Code.

6 Sec. 3857.102. ROAD POWERS. (a) The district has the
7 powers given to a road district created under Section 52, Article
8 III, Texas Constitution, including:

9 (1) a road district under Chapter 257, Transportation
10 Code; and

11 (2) a road utility district under Chapter 441,
12 Transportation Code.

13 (b) The district has the power under Subsection (a) to
14 finance arterials, including a farm-to-market road, state highway,
15 and county road.

16 Sec. 3857.103. NONPROFIT CORPORATION. (a) The board by
17 resolution may authorize the creation of a nonprofit corporation to
18 assist and act for the district in implementing a project or
19 providing a service authorized by this chapter.

20 (b) The nonprofit corporation:

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

24 (2) may implement any project and provide any service
25 authorized by this chapter.

26 (c) The board shall appoint the board of directors of the
27 nonprofit corporation. The board of directors of the nonprofit

1 corporation shall serve in the same manner as the board of directors
2 of a local government corporation created under Chapter 431,
3 Transportation Code.

4 Sec. 3857.104. AGREEMENTS; GRANTS. (a) The district may
5 make an agreement with or accept a gift, grant, or loan from any
6 person.

7 (b) The implementation of a project is a governmental
8 function or service for the purposes of Chapter 791, Government
9 Code.

10 Sec. 3857.105. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
11 To protect the public interest, the district may contract with
12 Chambers or Liberty County for the county to provide law
13 enforcement services in the district for a fee.

14 Sec. 3857.106. EMINENT DOMAIN. The district may exercise
15 the power to acquire property as provided by Section 49.222, Water
16 Code.

17 [Sections 3857.107-3857.150 reserved for expansion]

18 SUBCHAPTER D. FINANCIAL PROVISIONS

19 Sec. 3857.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
20 board by resolution shall establish the number of directors'
21 signatures and the procedure required for a disbursement or
22 transfer of the district's money.

23 Sec. 3857.152. PETITION REQUIRED FOR FINANCING SERVICES AND
24 IMPROVEMENTS. (a) The board may not finance a service or
25 improvement project with assessments under this chapter unless a
26 written petition requesting that improvement or service has been
27 filed with the board.

1 (b) The petition must be signed by:

2 (1) the owners of a majority of the assessed value of
3 real property in the district subject to assessment as determined
4 by the most recent certified tax appraisal roll for Chambers or
5 Liberty County; or

6 (2) at least 50 persons who own real property in the
7 district, if more than 50 persons own real property in the district
8 as determined by the most recent certified tax appraisal roll for
9 Chambers or Liberty County.

10 Sec. 3857.153. MAINTENANCE TAX. (a) If authorized at an
11 election held in accordance with Section 3857.160, the district may
12 impose an annual ad valorem tax on taxable property in the district
13 to:

14 (1) maintain and operate the district and the
15 improvements constructed or acquired by the district; or

16 (2) provide a service.

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

18 Sec. 3857.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
19 The board by resolution may impose an assessment for any purpose
20 authorized by this chapter in all or any part of the district.

21 (b) An assessment, a reassessment, or an assessment
22 resulting from an addition to or correction of the assessment roll
23 by the district, penalties and interest on an assessment or
24 reassessment, an expense of collection, and reasonable attorney's
25 fees incurred by the district:

26 (1) are a first and prior lien against the property
27 assessed;

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

4 (3) are the personal liability of and a charge against
5 the owners of the property even if the owners are not named in the
6 assessment proceedings.

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

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

15 Sec. 3857.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES OR
16 ASSESSMENTS. The district may not impose an impact fee or
17 assessment on the property, including the equipment,
18 rights-of-way, facilities, or improvements, of:

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

21 (2) a gas utility as defined by Section 101.003 or
22 121.001, Utilities Code;

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

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

27 Sec. 3857.156. BONDS AND OTHER OBLIGATIONS. (a) The

1 district may issue by competitive bid or negotiated sale bonds,
2 notes, or other obligations payable wholly or partly from ad
3 valorem taxes, assessments, impact fees, revenue, grants, or other
4 money of the district, or any combination of those sources of money,
5 to pay for any authorized purpose of the district.

6 (b) In exercising the district's power to borrow, the
7 district may issue a bond or other obligation in the form of a bond,
8 note, certificate of participation or other instrument evidencing a
9 proportionate interest in payments to be made by the district, or
10 other type of obligation.

11 Sec. 3857.157. APPROVAL REQUIRED FOR WATER-RELATED BONDS.
12 The district may not issue bonds to finance water, sewage, or
13 drainage facilities without the approval of the Texas Commission on
14 Environmental Quality.

15 Sec. 3857.158. COUNTIES NOT REQUIRED TO PAY DISTRICT
16 OBLIGATIONS. Except as provided by Section 375.263, Local
17 Government Code, a county is not required to pay a bond, note, or
18 other obligation of the district.

19 Sec. 3857.159. COMPETITIVE BIDDING. Section 375.221, Local
20 Government Code, applies to the district only for a contract that
21 has a value greater than \$25,000.

22 Sec. 3857.160. ELECTIONS REGARDING TAXES OR BONDS. (a) In
23 addition to the elections required under Subchapter L, Chapter 375,
24 Local Government Code, the district must hold an election in the
25 manner provided by that subchapter to obtain voter approval before
26 the district may:

27 (1) impose a maintenance tax; or

1 (2) issue a bond payable from ad valorem taxes or
2 assessments.

3 (b) The board may submit multiple purposes in a single
4 proposition at an election.

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

7 [Sections 3857.161-3857.200 reserved for expansion]

8 SUBCHAPTER E. DISSOLUTION

9 Sec. 3857.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
10 DEBT. (a) The board may dissolve the district regardless of
11 whether the district has debt. Section 375.264, Local Government
12 Code, does not apply to the district.

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

17 SECTION 2. BOUNDARIES. As of the effective date of this
18 Act, the Chambers-Liberty Counties Improvement District includes
19 all territory contained in the following described area:

20 Tract 1:

21 1081.743 acres of land lying partly in Liberty County, Texas and
22 partly in Chambers County, Texas, out of the G. C. & S. F. R. R. Co.,
23 Section 19, A-458, T. & N. O. R. R. Co., Section 3, A-381, J. T.
24 Hayman Survey, A-598, J. Z. Burkett Survey A-725 and A-554, the
25 subject tract being part of "Tract One", "Tract Two", "Tract
26 Three", "Tract Six", and "Tract Eight", referred to in that certain
27 deed from Ben Roshton and wife, Ruth Roshton to J. M. Frost, Jr.,

H.B. No. 4093

1 dated August 16, 1956, and recorded in Volume 448, Page 327, at seq.
2 of the Deed Records of Liberty County, Texas, and in Volume 180,
3 Page 149, at seq. of the Deed Records of Chambers County, Texas, and
4 being more particularly described as follows and in conformance
5 with the Texas State Plane Coordinate System, South Central Zone.

6 BEGINNING at a 2 1/2" iron pipe found at the Southeast corner of the
7 above mentioned "Tract Two" in that certain deed, dated August 16,
8 1956, recorded in Volume 448, Page 327, at seq. of the Deed Records
9 of Liberty County, Texas and in Volume 180, Page 149 of the Deed
10 Records of Chambers County, Texas; said 2 1/2" iron pipe having
11 State Plane Coordinates of X=3,293,677.00 and Y=770,374.86;

12 THENCE, S 56° 00' 26" W, with an existing fence, along the Southerly
13 line of "Tract Two" and "Tract Three", a distance of 5544.01 feet to
14 a point in the centerline of Hatcherville Road for the Southwest
15 corner of "Tract Three" and the Southwest corner of this tract;

16 THENCE, N 34° 21' 33" W, with the West line of "Tract Three", along
17 the centerline of Hatcherville Road, a distance of 783.39 feet to an
18 angle point for the lower West line of this tract;

19 THENCE, N 33° 21' 26" W, continuing with the centerline of
20 Hatcherville Road, a distance of 378.70 feet to an ell corner of
21 this described tract;

22 THENCE, N 56° 17' 54" E, a distance of 2357.88 feet to a point for a
23 re-entrant corner of the herein described tract; THENCE, N 27° 55'
24 31" W, a distance of 3123.26 feet to another re-entrant corner of
25 the herein described tract;

26 THENCE, S 65° 15' 12" W, a distance of 2720.41 feet to a point in the
27 centerline of Hatcherville Road for an intermediate Southwesterly

1 corner of this tract;
2 THENCE, N 33° 56' 47" W, with the centerline of Hatcherville Road, a
3 distance of 113.27 feet to an angle point; THENCE, N 03° 12' 32" E,
4 continuing with the centerline of Hatcherville Road, a distance of
5 839.67 feet to an angle point;
6 THENCE, in a Northerly direction with the centerline of
7 Hatcherville Road as follows:
8 N 35degrees 10 minutes 03 seconds W, 1742.62 feet to an angle
9 point;
10 N 30 degrees 45 minutes 36 seconds W, 1505.27 feet to an angle
11 point;
12 N 12 degrees 27 minutes 46 seconds W, 524.96 feet to an angle
13 point;
14 N 10 degrees 36 minutes 06 seconds, 340.20 feet to an angle
15 point;
16 N 20 degrees 07 minutes 41 seconds W, 1443.46 feet to a point
17 in the North line of the herein mentioned "Tract Eight" for the
18 Northwest corner of this tract;
19 THENCE, N 81° 05' 29" E, at 95.76 feet pass a "1 1/2" iron pipe found
20 marking the Northeast corner of "Tract Eight" and the Northerly
21 Northwest corner of "Tract Six", referred to in aforementioned deed
22 dated August 16, 1956, and continuing with an existing fence, along
23 the North line of 'Tract Six" a total distance of 5241.22 feet to a
24 point for an angle corner;
25 THENCE, S 77° 40' 37" E, with an existing fence, a distance of 168.58
26 feet to the Northeast corner of 'Tract One" in the aforementioned
27 deed dated August 16, 1956;

1 THENCE, S 34° 09' 58" E, with an existing fence along the Easterly
2 line of "Tract One", a distance of 5035.60 feet to a 2 1/2" iron pipe
3 found at its Southeast corner and being the Southeast corner of this
4 described tract;

5 THENCE, S 56° 01' 47" W, with an existing fence along the Southerly
6 line of "Tract One", a distance of 676.76 feet to a 2 1/2" iron pipe
7 found at the Northeast corner of "Tract Two", of the aforementioned
8 deed dated August 16, 1956, for a re-entrant corner of this
9 described tract;

10 THENCE, S 34° 05' 22" E, with an existing fence along the East line
11 of "Tract Two", a distance of 3472.60 feet to the PLACE OF
12 BEGINNING, and containing 1081.743 acres of land, more or less.

13 A 5 1/8" Iron Rod is set in concrete at all points called for unless
14 otherwise noted.

15 Tract 2:

16 1081.743 acres of land lying partly in Liberty County, Texas and
17 partly in Chambers County, Texas, out of the Herman Ehrenberg
18 Survey, A- 440, Liberty, and A-378, Chambers, Counties, G. C. & S.
19 F. R. R. Co., Section 19, A-458, J. T. Hayman Survey, A-598, and the
20 T. F. Pinckney Survey, A-1, S. F. 6769; the subject tract being part
21 of "Tract Four", "Tract Six", "Tract Two" and "Tract Seven",
22 referred to in that certain deed from Ben Roshton and wife, Ruth
23 Roshton to J. M. Frost, Jr., dated August 16, 1956, and recorded in
24 Volume 448, Page 327, et seq. of the Deed Records of Liberty County,
25 Texas, and in Volume 180, Page 149, et seq. of the Deed Records of
26 Chambers County, Texas, and being more particularly described as
27 follows and in conformance with the Texas State Plane Coordinate

1 System, South Central Zone.

2 BEGINNING at a 2 1/2" iron pipe marked K-106 found at the Southwest
3 corner of "Tract Four" in that certain deed, dated August 16, 1956,
4 recorded in Volume 448, Page 327, et seq. of the Deed Records of
5 Liberty County, Texas and in Volume 180, Page 149 of the Deed
6 Records of Chambers County, Texas; said 2 1/2" iron pipe having State
7 Plane Coordinates of X=3,280,868.46 and Y=763,503.66;

8 THENCE, N 14° 05' 51" W, along the West line of "Tract Four", a
9 distance of 5546.20 feet to a point for the Northwest corner of this
10 tract;

11 THENCE, N 76° 29' 31" E, with the centerline of a field road, a
12 distance of 2982.23 feet to a point of intersection with the
13 centerline of another field road running Northerly, for an ell
14 corner of this tract;

15 THENCE, N 20° 35' 58" W, with the centerline of a field road, a
16 distance of 558.73 feet to a point of intersection with the
17 centerline of a field road running Easterly for the Northernmost
18 Northwest corner of this tract;

19 THENCE, with the centerline of the field road a follows:

20 N 82 degrees 47 minutes 14 seconds E, 1728.29 feet to an angle
21 point;

22 N 68 degrees 08 minutes 55 seconds E. 1940.49 feet to an angle
23 point;

24 N 60 degrees 48 minutes 01 seconds E, 764.86 feet to a point
25 of intersection with the centerline of Hatcherville Road for the
26 most Northerly corner of this tract;

27 THENCE, S 03° 12' 32" W, with the centerline of Hatcherville Road, a

1 distance of 154.30 feet to an angle point;
2 THENCE, S 33° 56' 47" E, continuing with the centerline of
3 Hatcherville Road, a distance of 2173.82 feet to a point for a
4 re-entrant corner of this described tract;
5 THENCE, N 60° 46' 20" E, a distance of 2500.77 feet to a point for the
6 Easternmost Northeast corner of this described tract;
7 THENCE, S 27° 55' 31" E, a distance of 1281.37 feet to a point for the
8 Easternmost Southeast corner of this described tract;
9 THENCE, S 56° 17' 54" W, a distance of 2357.88 feet to a point in the
10 centerline of Hatcherville Road for another re-entrant corner of
11 this described tract;
12 THENCE, S 33° 21' 26" E, with the centerline of Hatcherville Road, a
13 distance of 378.70 feet to a point for the East corner of "Tract
14 Seven" in that herein aforementioned deed dated August 16, 1956,
15 and the Easternmost corner of this described tract;
16 THENCE, S 56° 25' 49" W, with an existing fence along the Southerly
17 line of "Tract Seven", a distance of 2286.85 feet to a point for the
18 Southwest corner of said tract in the East line of the herein
19 aforementioned "Tract Four", for a re-entrant corner of this
20 described tract;
21 THENCE, S 14° 40' 09" E, with an existing fence along the East line
22 of said "Tract Four", a distance of 1650.91 feet to a 2 1/2" iron
23 pipe found at the most Southerly Southeast corner of said tract, for
24 the Southeast corner of this tract;
25 THENCE, S 76° 05' 00" W, with an existing fence along the South line
26 of "Tract Four", a distance of 6472.45 feet to the PLACE OF
27 BEGINNING, and containing 1081.743 acres of land, more or less.

1 A 5/8" Iron Rod is set in concrete at all points called for unless
2 otherwise noted.

3 SAVE and EXCEPT 5.00 acres described in a deed dated March 27, 1996,
4 executed by Mrs. W. H. Keenan et al to Rio Cabeza, L. C. recorded in
5 Volume 1610, Page 580 of the Official Public Records of Liberty
6 County, Texas, said tract of land being further described as
7 follows:

8 Being a 5.000 acre tract of land located in the Gulf Coast and Santa
9 Fe Railroad Co. survey, Section 19, Abstract 458, Liberty County,
10 Texas; said 5.000 acre tract of land being out of a called 1081.743
11 acre tract of land recorded in Volume 1436, Page 680 of the Deed
12 Records of Liberty County, said 5.000 acre tract being more
13 particularly described by metes and bounds as follows (all bearings
14 are referenced to the Texas Coordinate System, South Central Zone):

15 COMMENCING at a 5/8" iron rod found for the Southeast corner of said
16 1,081.743 acre tract, said corner being in Hatcherville Road;

17 THENCE, with a northeast line of said 1081.743 acre tract, North 33°
18 21' 26" West, a distance of 378.70 to a 5/8" iron rod found for an
19 interior corner of said 1081.743 acre tract;

20 THENCE, leaving said northeast line and crossing said 1081.743 acre
21 tract, North 33° 56' 51" West, a distance of 1469.95 feet to an
22 interior corner of said 1081.743 acres from which a 5/8" iron rod
23 found bears South 33° 01' 50" East, a distance of 6.20 feet;

24 THENCE, leaving said northeast line, North 85° 30' 12" West, a
25 distance of 180.93 to a 5/8" iron rod with plastic cap stamped
26 "COSTELLO Inc. RPLS 4416" set for the East corner and POINT OF
27 BEGINNING of the herein described tract;

1 THENCE, South 52° 48' 13" West, a distance of 330.00 feet to a 5/8"
2 iron rod with plastic cap stamped "COSTELLO Inc. RPLS 4416" set for
3 the South corner of herein described tract;

4 THENCE, North 37° 11' 47" West, a distance of 660.00 feet to a 5/8"
5 iron rod with plastic cap stamped "COSTELLO Inc. RPLS 4416" set for
6 the West corner of herein described tract;

7 THENCE, North 52° 48' 13" East, a distance of 330.00 feet to a 5/8"
8 iron rod with plastic cap stamped "COSTELLO Inc. RPLS 4416" set for
9 the North corner of herein described tract;

10 THENCE, South 37° 11' 47" East; a distance of 660.00 feet to the
11 POINT OF BEGINNING and containing 5.0000 acres of land.

12 Tract 3:

13 965.381 acres in the Herman Ehrenberg Survey, A-439, Herman
14 Ehrenberg Survey, A-440, G.C.&S.F.R.R. Co., Section 19, A-458, and
15 G.C.&S.F.R.R. Co., Section 20, in Liberty County, Texas, being part
16 of "Tract Four", "Tract Five", "Tract Six" and "Tract Eight",
17 referred to in that certain deed from Ben Roshton and wife, Ruth
18 Roshton, to J. M. Frost, Jr., dated August 16, 1956, and recorded in
19 Volume 448, Page 327, et seq., of the Deed Records of Liberty
20 County, Texas, and being more particularly described as follows and
21 in conformance with the Texas State Plane Coordinate System, South
22 Central Zone:

23 Beginning in the south line of the 290 acre J. R. Barber tract at the
24 northwest corner of "Tract Five" described in that certain deed
25 dated August 16, 1956, recorded in Volume 448, Page 327, et seq., of
26 the Deed Records of Liberty County, Texas, said beginning point
27 having State Plane Coordinates of X = 3,277,969.80 and Y =

1 775,045.87;
2 Thence N 76°06'06" E, along the south line of the said Barber tract
3 with an existing fence along the north line of "Tract Five", a
4 distance of 5870.58 feet to a point for the southwest corner of
5 "Tract Eight" in the above mentioned deed dated August 16, 1956;
6 Thence N 8°27'51" W, with an existing fence along the west line of
7 "Tract Eight", a distance of 486.85 feet to a point in the west R. O.
8 W. line of Hatcherville Road for the most northerly northwest
9 corner of this tract;
10 Thence N 81°05'29" E, with the north line of "Tract Eight" along the
11 centerline of Hatcherville Road, a distance of 530.81 feet to a
12 point in the centerline of Hatcherville Road, for the northeast
13 corner of this tract, being the northwest corner of a tract of
14 1081.743 acres conveyed pursuant to said Cause No. 23,872 to W.
15 Scott Frost individually and as trustee of certain trusts;
16 Thence in a southerly direction with the centerline of Hatcherville
17 Road and along the west line of said 1081.743 acre tract as follows:
18 S 20°07'41" E 1443.46 feet to an angle point;
19 S 10°36'06" W 340.20 feet to an angle point;
20 S 12°27'46" E 524.96 feet to an angle point;
21 S 30°45'36" E 1505.27 feet to an angle point;
22 S 35°10'03" E 1742.62 feet to an angle point;
23 S 3°12'32" W 685.37 feet to a point for the southeast corner of this
24 tract and the most northerly northeast corner of a tract of 1081.743
25 acres conveyed pursuant to said Cause No. 23,872 to Mrs. W. H.
26 Keenan and W. H. Keenan as trustee of certain trusts;
27 Thence and with the north line of said Keenan tract as follows;

1 S 60°48'01" W 764.86 feet to an angle point marked by a 5/8" Iron Rod
2 set in concrete, S 68°08'55" W 1940.49 feet to an angle point marked
3 by a 5/8" Iron Rod set in concrete, S 82°47'14" W 1728.29 feet to a
4 point for a re-entrant corner of this tract, marked by a 5/8" Iron
5 Rod set in concrete, a northwest corner of the said Keenan tract;
6 Thence S 20°35'58" E with a line of the said Keenan tract, a distance
7 of 558.73 feet, to a point for the southernmost southeast corner of
8 this tract, marked by a 5/8" Iron Rod set in concrete;
9 Thence S 76°29'31" W along the north line of the said Keenan tract, a
10 distance of 2982.23 feet to a point in the west line of "Tract Four"
11 of the aforementioned deed dated August 16, 1956, for the southwest
12 corner of this tract, marked by a 5/8" Iron Rod set in concrete,
13 being the most westerly northwest corner of said Keenan tract, in
14 the east line of the J. R. Barber land in the Hugh Morgan Survey;
15 Thence N 14°05'51" W, with the said east line of the said J. R.
16 Barber land and an existing fence along the west lines of "Tract
17 Four" and "Tract Five", a distance of 6354.42 feet, to the Place of
18 Beginning.

19 Tract 4:

20 116.362 acres in the G. C. & S. F. R.R. Co., Section 19, A-458, T. &
21 N. O. R.R. Co., Section 3, A-381, and the J. T. Haymen Survey,
22 A-598, in Liberty County, Texas, the subject tract being part of
23 "Tract One", "Tract Two" and "Tract Six", referred to in that
24 certain deed from Ben Roshton and wife, Ruth Roshton, to J. M.
25 Frost, Jr., dated August 16, 1956, and recorded in Volume 448, Page
26 327, et seq., of the Deed Records of Liberty County, Texas, and
27 being more particularly described as follows and in conformance

1 with the Texas State Plane Coordinate System, South Central Zone:
2 Beginning at a point in the centerline of Hatcherville Road, said
3 point located S 3°12'32" W 154.30 feet and S 33°56'47" E 113.27 feet
4 from the southeast corner of the above described 965.381 acre
5 tract, said beginning point having State Plane Coordinates of X =
6 3,286,458.54 and Y = 771,167.09, is marked by a 5/8" Iron Rod set in
7 concrete and is in the most westerly east line of the said Keenan
8 1081.743 acre tract;
9 Thence N 65°15'12" E along a boundary line of the W. Scott Frost et
10 al 1,081.743 acre tract mentioned in the above description of the
11 965.381 acre tract, a distance of 2720.41 feet to the northeast
12 corner of this tract, marked by a 5/8" Iron Rod set in concrete, a
13 corner of the said W. Scott Frost et al tract;
14 Thence S 27°55'31" E with a boundary line of said W. Scott Frost et
15 al tract a distance of 1841.89 feet to the southeast corner of this
16 tract, marked by a 5/8" Iron Rod set in concrete, being the most
17 easterly northeast corner of the Keenan tract mentioned in the
18 above description of the 965.381 acre tract;
19 Thence S, 60°46'20" W along a common line with said Keenan tract a
20 distance of 2500.77 feet to a point in the centerline of
21 Hatcherville Road for the southwest corner of this tract, marked by
22 a 5/8" Iron Rod set in concrete;
23 Thence N 33°56'47" W, with the centerline of Hatcher-ville Road and
24 along a common line with said Keenan tract a distance of 2060.55
25 feet to the Place of Beginning.

26 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
27 that:

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

9 (2) the Texas Commission on Environmental Quality has
10 filed its recommendations relating to this Act with the governor,
11 lieutenant governor, and speaker of the house of representatives
12 within the required time;

13 (3) the general law relating to consent by political
14 subdivisions to the creation of districts with conservation,
15 reclamation, and road powers and the inclusion of land in those
16 districts has been complied with; and

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

21 SECTION 4. EFFECTIVE DATE. This Act takes effect
22 immediately if it receives a vote of two-thirds of all the members
23 elected to each house, as provided by Section 39, Article III, Texas
24 Constitution. If this Act does not receive the vote necessary for
25 immediate effect, this Act takes effect September 1, 2007.