

By: Olivo

H.B. No. 2123

Substitute the following for H.B. No. 2123:

By: Creighton

C.S.H.B. No. 2123

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 192; providing authority to impose a tax and issue bonds; granting a limited 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 8330 to read as follows:

CHAPTER 8330. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 192

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8330.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fort Bend County Municipal Utility District No. 192.

Sec. 8330.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8330.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8330.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 8330.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has  
2 consented by ordinance or resolution to the creation of the  
3 district and to the inclusion of land in the district.

4 (b) Subject to the limitations of Section 54.016, Water  
5 Code, the district shall comply with all applicable requirements of  
6 any ordinance or resolution adopted by the governing body of the  
7 municipality that consents to the creation of the district or to the  
8 inclusion of lands within the district.

9 (c) In addition to the restrictions and conditions  
10 described by Section 54.016(e), Water Code, a municipality that  
11 contains district territory in its corporate limits or  
12 extraterritorial jurisdiction may include in the municipality's  
13 consent any restriction on or condition to the municipality's  
14 consent to the creation of the district, including a limitation on  
15 the powers of the district otherwise granted by this chapter.

16 Sec. 8330.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
17 The district is created to serve a public purpose and benefit.

18 (b) The district is created to accomplish the purposes of:  
19 (1) a municipal utility district as provided by  
20 general law and Section 59, Article XVI, Texas Constitution; and  
21 (2) Section 52, Article III, Texas Constitution, that  
22 relate to the construction, acquisition, or improvement of  
23 macadamized, graveled, or paved roads described by Section 54.234,  
24 Water Code, or improvements, including storm drainage, in aid of  
25 those roads.

26 Sec. 8330.006. INITIAL DISTRICT TERRITORY. (a) The  
27 district is initially composed of the territory described by

1 Section 2 of the Act creating this chapter.

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

6 (1) organization, existence, or validity;

7 (2) right to issue any type of bond for the purposes  
8 for which the district is created or to pay the principal of and  
9 interest on a bond;

10 (3) right to impose a tax; or

11 (4) legality or operation.

12 [Sections 8330.007-8330.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8330.051. GOVERNING BODY; TERMS. (a) The district is  
15 governed by a board of five elected directors.

16 (b) Except as provided by Section 8330.052, directors serve  
17 staggered four-year terms.

18 Sec. 8330.052. TEMPORARY DIRECTORS. (a) On or after the  
19 effective date of the Act creating this chapter, the owner or owners  
20 of a majority of the assessed value of the real property in the  
21 district may submit a petition to the Texas Commission on  
22 Environmental Quality requesting that the commission appoint as  
23 temporary directors the five persons named in the petition. The  
24 commission shall appoint as temporary directors the five persons  
25 named in the petition.

26 (b) Temporary directors serve until the earlier of:

27 (1) the date permanent directors are elected under

1 Section 8330.003; or

2 (2) the fourth anniversary of the effective date of  
3 the Act creating this chapter.

4 (c) If permanent directors have not been elected under  
5 Section 8330.003 and the terms of the temporary directors have  
6 expired, successor temporary directors shall be appointed or  
7 reappointed as provided by Subsection (d) to serve terms that  
8 expire on the earlier of:

9 (1) the date permanent directors are elected under  
10 Section 8330.003; or

11 (2) the fourth anniversary of the date of the  
12 appointment or reappointment.

13 (d) If Subsection (c) applies, the owner or owners of a  
14 majority of the assessed value of the real property in the district  
15 may submit a petition to the commission requesting that the  
16 commission appoint as successor temporary directors the five  
17 persons named in the petition. The commission shall appoint as  
18 successor temporary directors the five persons named in the  
19 petition.

20 [Sections 8330.053-8330.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8330.101. GENERAL POWERS AND DUTIES. The district has  
23 the powers and duties necessary to accomplish the purposes for  
24 which the district is created.

25 Sec. 8330.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
26 DUTIES. The district has the powers and duties provided by the  
27 general law of this state, including Chapters 49 and 54, Water Code,

1 applicable to municipal utility districts created under Section 59,  
2 Article XVI, Texas Constitution.

3 Sec. 8330.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
4 Section 52, Article III, Texas Constitution, the district may  
5 design, acquire, construct, finance, issue bonds for, improve, and  
6 convey to this state, a county, or a municipality for operation and  
7 maintenance macadamized, graveled, or paved roads described by  
8 Section 54.234, Water Code, or improvements, including storm  
9 drainage, in aid of those roads.

10 (b) The district may exercise the powers provided by this  
11 section without submitting a petition to or obtaining approval from  
12 the Texas Commission on Environmental Quality as required by  
13 Section 54.234, Water Code.

14 Sec. 8330.104. APPROVAL OF ROAD PROJECT. (a) The district  
15 may not undertake a road project authorized by Section 8330.103  
16 unless:

17 (1) each municipality or county that will operate and  
18 maintain the road has approved the plans and specifications of the  
19 road project, if a municipality or county will operate and maintain  
20 the road; or

21 (2) the Texas Transportation Commission has approved  
22 the plans and specifications of the road project, if the state will  
23 operate and maintain the road.

24 (b) Except as provided by Subsection (a), the district is  
25 not required to obtain approval from the Texas Transportation  
26 Commission to design, acquire, construct, finance, issue bonds for,  
27 improve, or convey a road project.

1       Sec. 8330.105. LIMITATION ON USE OF EMINENT DOMAIN. The  
2 district may not exercise the power of eminent domain outside the  
3 district to acquire a site or easement for:

- 4               (1) a road project authorized by Section 8330.103; or  
5               (2) a recreational facility as defined by Section  
6 49.462, Water Code.

7               [Sections 8330.106-8330.150 reserved for expansion]

8               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9       Sec. 8330.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
10 district may issue, without an election, bonds and other  
11 obligations secured by:

- 12               (1) revenue other than ad valorem taxes; or  
13               (2) contract payments described by Section 8330.153.

14       (b) The district must hold an election in the manner  
15 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
16 before the district may impose an ad valorem tax or issue bonds  
17 payable from ad valorem taxes.

18       (c) The district may not issue bonds payable from ad valorem  
19 taxes to finance a road project unless the issuance is approved by a  
20 vote of a two-thirds majority of the district voters voting at an  
21 election held for that purpose.

22       Sec. 8330.152. OPERATION AND MAINTENANCE TAX. (a) If  
23 authorized at an election held under Section 8330.151, the district  
24 may impose an operation and maintenance tax on taxable property in  
25 the district in accordance with Section 49.107, Water Code.

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

1       Sec. 8330.153. CONTRACT TAXES. (a) In accordance with  
2 Section 49.108, Water Code, the district may impose a tax other than  
3 an operation and maintenance tax and use the revenue derived from  
4 the tax to make payments under a contract after the provisions of  
5 the contract have been approved by a majority of the district voters  
6 voting at an election held for that purpose.

7       (b) A contract approved by the district voters may contain a  
8 provision stating that the contract may be modified or amended by  
9 the board without further voter approval.

10       [Sections 8330.154-8330.200 reserved for expansion]

11       SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

12       Sec. 8330.201. AUTHORITY TO ISSUE BONDS AND OTHER  
13 OBLIGATIONS. The district may issue bonds or other obligations  
14 payable wholly or partly from ad valorem taxes, impact fees,  
15 revenue, contract payments, grants, or other district money, or any  
16 combination of those sources, to pay for any authorized district  
17 purpose.

18       Sec. 8330.202. TAXES FOR BONDS. At the time the district  
19 issues bonds payable wholly or partly from ad valorem taxes, the  
20 board shall provide for the annual imposition of a continuing  
21 direct ad valorem tax, without limit as to rate or amount, while all  
22 or part of the bonds are outstanding as required and in the manner  
23 provided by Sections 54.601 and 54.602, Water Code.

24       Sec. 8330.203. BONDS FOR ROAD PROJECTS. At the time of  
25 issuance, the total principal amount of bonds or other obligations  
26 issued or incurred to finance road projects and payable from ad  
27 valorem taxes may not exceed one-fourth of the assessed value of the

1 real property in the district.

2 SECTION 2. The Fort Bend County Municipal Utility District  
3 No. 192 initially includes all the territory contained in the  
4 following area:

5 TRACT I

6 Being a 37.73-acre (1,643,604 square feet) tract of land  
7 situated in the Abner Kuykendall League, A-48, Fort Bend County,  
8 Texas, and being portion of a called 53.9470-acre tract of land  
9 designated Tract "A" as recorded under File Number 9725698, Fort  
10 Bend County Official Records (F.B.C.O.R.). Said 37.73-acre tract  
11 of land being more particularly described by metes and bounds as  
12 follows, with all bearings referenced to the Texas Coordinate  
13 System of 1983, South Central Zone. All distances are surface based  
14 on the surface coordinates (X = 3,038,374.04, Y = 13,790,244.28) of  
15 N.G.S. Control Monument "HGCS D 70" 1983 adjustment:

16 BEGINNING at a 3-inch by 4-inch iron bar found marking the  
17 northerly right-of-way line of Thompson Road (F.M. 762)(100 feet  
18 wide) and the westerly line of the C.I. McFarlane called 2.2-acre  
19 tract as recorded under Volume 126, Page 197 of the Fort Bend County  
20 Deed Records (F.B.C.D.R.), also being the most southerly southwest  
21 corner of said 53.9470 acre Tract "A", and being in the easterly  
22 line of a called 681.81-acre tract as recorded under Volume 510,  
23 Page 213 of said F.B.C.D.R.;

24 THENCE, North 20°11'32" East, departing said Thompson Road a  
25 distance of 362.29 feet along a common line of said 53.9470-acre  
26 Tract "A", and said 681.81-acre tract to a point marking the  
27 northeasterly corner said 681.81-acre tract and an interior corner



1 of said Tract "A";

2           THENCE, North 66°39'25" West, along the line common to said  
3 53.9470-acre Tract "A" and said 681.81-acre tract, a distance of  
4 433.02 feet to an angel point from which a one-inch iron pipe found  
5 bears N 65°16' E, 0.83 feet;

6           THENCE, North 67°18'25" West, continuing along the line  
7 common to said 53.9470-acre Tract "A" and said 681.81-acre tract, a  
8 distance of 550.00 feet to an angel point from which a 5/8-inch iron  
9 rod found bears N 12°21' E, 0.35 feet;

10           THENCE, North 66°51'25" West, continuing along the line  
11 common to said 53.9470-acre Tract "A" and said 681.81-acre tract, a  
12 distance of 331.00 feet to an angel point from which a 5/8-inch iron  
13 rod found bears N 24°21' E, 0.35 feet;

14           THENCE, North 67°20'14" West, continuing along the line  
15 common to said 53.9470-acre Tract "A", and said 681.81-acre tract,  
16 a distance of 770.26 feet to a 5/8-inch iron rod with cap stamped  
17 "Kalkomey Surveying" found for the southwesterly corner of the  
18 herein described tract;

19           THENCE, North 21°52'30" East, departing said common line, a  
20 distance of 640.02 feet to a p.k. nail set for corner in the  
21 centerline of Macek Road (60 feet wide);

22           THENCE, South 68°11'55" East, along the centerline of said  
23 Macek Road, a distance of 268.46 feet to a p.k. nail set for corner;

24           THENCE, South 68°02'25" East, along the centerline of said  
25 Macek Road and along the southerly line of a called 8.6445 acre  
26 tract as recorded under File Number 9707473 of said F.B.C.O.R.,  
27 passing at 579.12 feet a 5/8-inch iron rod with cap stamped

1 "Kalkomey Surveying" found for the southeast corner of said 8.6445  
2 acre tract, being the southwest corner of a called 0.50 acre tract  
3 as recorded under File Number 9520600 of said F.B.C.O.R., also  
4 being an angle point in said Macek Road, and continuing along the  
5 line common to said 53.9470 acre Tract "A", and said 0.50 acre tract  
6 for a total distance of 560.40 feet to a 5/8-inch iron rod found for  
7 an interior corner;

8       THENCE, North 23°11'42" East, along the line common to said  
9 53.9470 acre Tract "A" and said 0.50 acre tract a distance of 163.89  
10 feet to a 5/8-inch iron rod with cap stamped "SURVCON INC." set for  
11 the southwest corner of a called 53.9470 acre Tract "B" as recorded  
12 under File Number 9707473 of said F.B.C.O.R., and being an angle  
13 point in the northerly line of said Tract "A";

14       THENCE, South 68°02'25" East, along the line common to said  
15 53.9470 acre Tract "A" and said 53.9470 acre Tract "B", a distance  
16 of 1,295.70 feet to a 5/8-inch iron rod found for the northeast  
17 corner of said Tract "A", being an interior corner of said Tract  
18 "B";

19       THENCE, South 20°11'32" West, continuing along the line  
20 common to said Tracts "A" and "B", a distance of 1,182.38 feet to an  
21 angle point from which a one-inch iron pipe found bears S 24°49' E,  
22 0.64 feet for the common south corner of said Tracts "A" and "B",  
23 and being in the aforementioned northerly right-of-way line of  
24 Thompson Road;

25       THENCE, North 83°18'50" West, along said northerly  
26 right-of-way line, a distance of 70.97 feet to the POINT OF  
27 BEGINNING, containing a computed area of 37.73 acres (1,643,604

1 square feet) of land.

2 TRACT II

3 FIELD NOTES FOR A 8.632 ACRE TRACT OF LAND OUT OF THE PICKENS  
4 LABOR IN THE ABNER KUYKENDALL LEAGUE, ABSTRACT 48, FORT BEND  
5 COUNTY, TEXAS, SAID 8.632 ACRE TRACT BEING THAT CERTAIN CALLED  
6 8.6445 ACRE TRACT (EXHIBIT "C") IN DEED TO THE ZWIENER FAMILY  
7 LIMITED PARTNERSHIP RECORDED IN COUNTY CLERK'S FILE NO. 9707473,  
8 OFFICIAL PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, AND BEING MORE  
9 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: WITH ALL  
10 BEARINGS BASED ON THE EAST LINE OF THE AFOREMENTIONED CALLED 8.6445  
11 ACRE TRACT, BEING THE EAST LINE OF THE HEREIN DESCRIBED 8.632 ACRE  
12 TRACT, AND BEING WITHIN THE MARGINS OF MACEK ROAD AND BEING SOUTH 26  
13 DEGREES 13 MINUTES 00 SECONDS WEST.

14 BEGINNING at a 5/8 inch iron rod found at the lower south  
15 corner of the aforementioned called 8.6445 acre tract of land, same  
16 being the west corner of an adjoining called 0.50 acre tract of land  
17 described in deed recorded in County Clerk's File No. 1999018432,  
18 Official Public Records, Fort Bend County, Texas, being in the  
19 northeast line of an adjoining called 53.9470 acre tract of land  
20 described in deed recorded in County Clerk's File No. 9725698,  
21 Official Public Records, Fort Bend County, Texas, as located within  
22 the margins of Macek Road and being the lower south corner and Place  
23 of Beginning of the herein described 8.632 acre tract of land;

24 THENCE North 65 degrees 05 minutes 45 seconds West (called  
25 North 65 degrees 01 minute West) along the common line of the  
26 aforementioned called 8.6445 acre tract of land and the  
27 aforementioned adjoining called 53.9470 acre tract of land as

1 located in Macek Road, 280.37 feet (called 280.10 feet) to a cotton  
2 picker spindle set on said line for the lower west corner of the  
3 herein described 8.632 acre tract of land;

4       THENCE North 26 degrees 13 minutes 00 seconds East (called  
5 North 26 degrees 13 minutes East), 20.00 feet (called 20.00 feet) to  
6 a 2 inch iron bar found in the northeast margin of Macek Road for a  
7 re-entry corner to the herein described 8.632 acre tract of land,  
8 from which point a found 3/4 inch iron pipe bears North 22 degrees  
9 18 minutes 20 seconds East, 1.30 feet;

10       THENCE North 65 degrees 01 minute 50 seconds West (called  
11 North 65 degrees 01 minute West) along the northeast line of Macek  
12 Road, 123.34 feet (called 123.66 feet) to a 5/8 inch iron rod found  
13 for the upper west corner of the herein described 8.632 acre tract  
14 of land, same being the upper west corner of the aforementioned  
15 called 8.6445 acre tract of land, and being the south corner of an  
16 adjoining called 1.00 acre tract of land described in deed recorded  
17 in County Clerk's File No. 9576651, Official Public Records, Fort  
18 Bend County, Texas;

19       THENCE North 26 degrees 04 minutes 39 seconds East (called  
20 North 26 degrees 03 minutes 53 seconds East) along the common line  
21 of the aforementioned called 8.6445 acre tract of land, and the  
22 aforementioned adjoining called 1.00 acre tract of land, at 435.72  
23 feet pass a 2 inch iron pipe found on said line for the east corner  
24 of the aforementioned adjoining called 1.00 acre tract of land,  
25 same being a south corner of an adjoining residue of a called 20  
26 acre tract of land recorded in Cause No. 16049, Probate Records,  
27 Fort Bend County, Texas, and described in Volume 704, Page 1, Deed

1 Records, Fort Bend, County, Texas, at 1,404.00 feet pass a 2 inch  
2 iron pipe with cap marked "Kalkomey Surveying" set for reference on  
3 said line at the southerly high bank of Rabbs Bayou and continuing  
4 for a total distance of 1,565.62 feet (called 1,565.62 feet) to a  
5 point in the center line of Rabbs Bayou for the north corner of the  
6 herein described 8.632 acre tract of land, same being the north  
7 corner of said called 8.6445 acre tract of land, being in the  
8 southeast line of the aforementioned adjoining residue of a called  
9 20 acre tract of land, and being a west corner of an adjoining  
10 called 10.5247 acre tract of land described in deed recorded in  
11 County Clerk's File No. 2000023853, Official Public Records, Fort  
12 Bend County, Texas;

13       THENCE South 84 degrees 56 minutes 49 seconds East (called  
14 South 86 degrees 04 minutes 53 seconds East) along the center line  
15 of Rabbs Bayou, being the common line of the aforementioned called  
16 8.6445 acre tract of land and the aforementioned adjoining called  
17 10.5247 acre tract of land, 136.30 feet (called 138.10 feet) to a  
18 point in the center line of Rabbs Bayou for the upper east corner of  
19 the herein described 8.632 acre tract of land, same being the north  
20 corner of an adjoining residue of a called 17.86 acre tract of land  
21 (4.0591 acres) described in deed recorded in Volume 140, Page 114,  
22 Deed Records, Fort Bend County, Texas;

23       THENCE South 26 degrees 13 minutes 00 seconds West (called  
24 South 26 degrees 13 minutes 00 seconds West) along the common line  
25 of the aforementioned called 8.6445 acre tract of land and the  
26 aforementioned adjoining residue of a called 17.86 acre tract of  
27 land, at 103.00 feet pass a 2 inch iron pipe found on said line for

1 reference at the southerly high bank of Rabbs Bayou, and continuing  
2 for a total distance of 596.89 feet (called 602.27 feet) to a 2 inch  
3 iron pipe found for a re-entry corner to the herein described 8.632  
4 acre tract of land, same being the west corner of the aforementioned  
5 adjoining residue of a called 17.86 acre tract of land;

6       THENCE South 65 degrees 52 minutes 28 seconds East (called  
7 South 66 degrees 16 minutes 00 seconds East) continuing along the  
8 common line of said called 8.6445 acre tract of land and the  
9 aforementioned adjoining residue of a called 17.86 acre tract of  
10 land, at 0.74 feet pass a 3/4 inch iron pipe found on said line, at  
11 250.46 feet pass a 2 inch iron pipe found on said line at its  
12 intersection with the northwest line of Macek Road, and continuing  
13 for a total distance of 280.48 feet (called 280.30 feet) to a cotton  
14 picker spindle found for the middle east corner of the herein  
15 described 8.632 acre tract of land, same being the south corner of  
16 the aforementioned adjoining residue of a called 17.86 acre tract  
17 of land, and being in the northwest line of an adjoining called 1.0  
18 acre tract of land described in deed recorded in Volume 2425, Page  
19 1179, Official Records, Fort Bend County, Texas;

20       THENCE South 26 degrees 13 minutes 00 seconds West (called  
21 South 26 degrees 13 minutes 00 seconds West) along the common line  
22 of said called 8.6445 acre tract of land and the aforementioned  
23 adjoining called 1.0 acre tract of land, and an adjoining called  
24 0.50 acre tract of land described in deed recorded in Volume 2425,  
25 Page 1183, Official Records, Fort Bend County, Texas, as located in  
26 Macek Road, 60.00 feet (called 60.00 feet) to a cotton picker  
27 spindle set for the upper south corner of the herein described 8.632

1 acre tract of land, same being the east corner of an adjoining  
2 called 2.608 acre tract of land described in deed recorded in Volume  
3 664, Page 720, Deed Records, Fort Bend County, Texas;

4       THENCE North 66 degrees 18 minutes 16 seconds West (called  
5 North 66 degrees 16 minutes 00 seconds West) along the common line  
6 of said called 8.6445 acre tract of land and the aforementioned  
7 adjoining called 2.608 acre tract of land, at 30.02 feet pass a 5/8  
8 inch iron rod found on said line at its intersection with the  
9 northwest line of Macek Road, and continuing for a total distance of  
10 280.57 feet (called 280.30 feet) to a 5/8 inch iron rod found for a  
11 re-entry corner to the herein described 8.632 acre tract of land,  
12 same being the north corner of the aforementioned adjoining called  
13 2.608 acre tract of land;

14       THENCE South 26 degrees 13 minutes 00 seconds West (called  
15 South 26 degrees 13 minutes 00 seconds West) continuing along the  
16 common line of said called 8.6445 acre tract of land and the  
17 aforementioned adjoining called 2.608 acre tract of land, 405.61  
18 feet (called 405.61 feet) to a 2 inch iron pipe with cap marked  
19 "Kalkomey Surveying" set for a re-entry corner to the herein  
20 described 8.632 acre tract of land, same being the west corner of  
21 the aforementioned adjoining called 2.608 acre tract of land, from  
22 which a found 3/4 inch iron pipe bears north 54 degrees 39 minutes  
23 05 seconds East, 2.00 feet;

24       THENCE South 66 degrees 19 minutes 55 seconds East (called  
25 South 66 degrees 16 minutes 00 seconds East) continuing along the  
26 common line of said called 8.6445 acre tract of land and the  
27 aforementioned adjoining called 2.608 acre tract of land, at 250.55

1 feet pass a 2 inch iron pipe with cap marked "Kalkomey Surveying"  
2 set on said line at its intersection with the northwest line of  
3 Macek Road, and continuing for a total distance of 280.58 feet  
4 (called 280.30 feet) to a cotton picker spindle set for the lower  
5 east corner of the herein described 8.632 acre tract of land, being  
6 the south corner of the aforementioned adjoining called 2.608 acre  
7 tract of land, and being in the northwest line of an adjoining  
8 called 0.515 acre tract of land described in deed recorded in Volume  
9 2060, Page 1525, Official Records, Fort Bend County, Texas;

10       THENCE South 26 degrees 13 minutes 00 seconds West (called  
11 South 26 degrees 13 minutes 00 seconds West) along the  
12 southeasterly line of said called 8.6445 acre tract of land as  
13 located in Macek Road, same being the northwest line of the  
14 aforementioned adjoining called 0.515 acre tract of land, and the  
15 northwest line of an adjoining called 1.0 acre tract of land  
16 described in deed recorded in Volume 485, Page 320, Deed Records,  
17 Fort Bend County, Texas, the northwest line of an adjoining residue  
18 of a called 1.0 acre tract of land described in deed recorded in  
19 Volume 559, Page 59, Deed Records, Fort Bend County, Texas, the  
20 northwest line of an adjoining called 0.50 acre tract of land  
21 described in County Clerk's File No. 9887910, Official Public  
22 Records, Fort Bend County, Texas, the northwest line of an  
23 adjoining called 2 acre tract described in deed recorded in Volume  
24 594, Page 861, Deed Records, Fort Bend County, Texas, the northwest  
25 line of an adjoining called 0.500 acre tract of land described in  
26 deed recorded in County Clerk's File No. 9520600, Official Public  
27 Records, Fort Bend County, Texas, and the northwest line of the



1   aforementioned adjoining called 0.50 acre tract of land described  
2   in County Clerk's File No. 1999018432, Official Public Records,  
3   Fort Bend County, Texas, 573.59 feet (called 573.59 feet) to the  
4   Place of Beginning and containing 8.632 acres of land, with 0.550  
5   acre within the margins of Macek Road, for a net acreage of 8.092  
6   acres of land, more or less.

7           TRACT III

8           Being a 53.91-acre (2,348,320 square feet) tract of land  
9   situated in the Abner Kuykendall League, A-48, Fort Bend County,  
10   Texas, and being all of a called 53.9470-acre tract of land  
11   designated Tract "B" as recorded under File Number 9725698, Fort  
12   Bend County Official Records (F.B.C.O.R.). Said 53.91-acre tract of  
13   land being more particularly described by metes and bounds as  
14   follows, with all bearings referenced to the Texas Coordinate  
15   System of 1983, South Central Zone. All distances are surface based  
16   on N.G.S. Control Monument "HGCSO 70" 1983 adjustment:

17           BEGINNING at a 5/8-inch iron rod with cap stamped "SURVCON  
18   INC." set marking the northerly right-of-way line of Thompson Road  
19   (F.M. 762)(100 feet wide) and being the most southerly  
20   southeasterly corner of said 53.9470 acre Tract "B", and being in  
21   the westerly line of a called 193-acre tract as recorded under  
22   Volume 487, Page 664 of said F.B.C.D.R.;

23           THENCE, North 83°18'51" West, along said northerly  
24   right-of-way line, a distance of 198.65 feet to point from which a  
25   one-inch iron pipe found bears S 24°49' W, 0.64 feet for the common  
26   south corner of said Tracts "A" and "B";

27           THENCE, North 20°11'32" East, departing said northerly

1 right-of-way line and along the common line to said 53.9470-acre  
2 Tract "B" and called 53.9470-acre Tract "A" as recorded under File  
3 Number 9725698 of said F.B.C.O.R., a distance of 1,182.38 feet to a  
4 3/4-inch iron pipe found for an interior corner of the herein  
5 described tract;

6 THENCE, North 68°02'25" West, along said common line, a  
7 distance of 1,294.57 feet to a 5/8-inch iron rod with cap stamped  
8 "SURVCON INC." found for westerly corner;

9 THENCE, North 23°11'42" East, departing said common line, a  
10 distance of 459.12 feet to a 3/4-inch iron pipe found for an  
11 interior corner;

12 THENCE, North 66°48'19" West, a distance of 250.30 feet to a  
13 3/4-inch iron pipe found for a corner and same being on the easterly  
14 right-of-way line of Macek Road (60 feet wide) as recorded under  
15 Volume 517, Page 590 of said F.B.C.D.R.;

16 THENCE, North 23°11'34" East, along said easterly  
17 right-of-way line, a distance of 75.40 feet to a 5/8-inch iron rod  
18 with cap stamped "SURVCON INC." set for corner;

19 THENCE, South 66°48'19" East, departing said easterly  
20 right-of-way line, a distance of 250.30 feet to a 1 1/2-inch iron  
21 pipe found for an interior corner;

22 THENCE, North 23°11'42" East, a distance of 936.40 feet to a  
23 point for the most northwest corner of the herein described tract  
24 same being in the center line of Rabbs Bayou;

25 THENCE, South 54°28'48" East, along said center line, a  
26 distance of 175.09 feet to an angle point;

27 THENCE, South 60°15'56" East, along said center line, a

1 distance of 554.12 feet to an angle point;

2       THENCE, South 72°57'10" East, continuing along said center  
3 line, a distance of 260.14 feet to an angle point;

4       THENCE, South 79°36'31" East, continuing along said center  
5 line, a distance of 246.18 feet to an angle point;

6       THENCE, South 75°23'46" East, continuing along said center  
7 line, a distance of 166.22 feet to an angle point;

8       THENCE, South 71°03'39" East, continuing along said center  
9 line, a distance of 82.35 feet to a point for the northeasterly  
10 corner of the herein described tract;

11       THENCE, South 21°25'15" West, departing said center line, a  
12 distance of 2,581.44 feet to the POINT OF BEGINNING, containing a  
13 computed area of 53.91 acres (2,348,320 square feet) of land.

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

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

24       (c) The Texas Commission on Environmental Quality has filed  
25 its recommendations relating to this Act with the governor, the  
26 lieutenant governor, and the speaker of the house of  
27 representatives within the required time.

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

5           SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2009.