

By: Olivo

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. 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 Sec. 8330.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

5 The district is created to serve a public purpose and benefit.

6 (b) The district is created to accomplish the purposes of:

7 (1) a municipal utility district as provided by  
8 general law and Section 59, Article XVI, Texas Constitution; and

9 (2) Section 52, Article III, Texas Constitution, that  
10 relate to the construction, acquisition, or improvement of  
11 macadamized, graveled, or paved roads described by Section 54.234,  
12 Water Code, or improvements, including storm drainage, in aid of  
13 those roads.

14 Sec. 8330.006. INITIAL DISTRICT TERRITORY. (a) The

15 district is initially composed of the territory described by  
16 Section 2 of the Act creating this chapter.

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

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8330.007-8330.050 reserved for expansion]

1                   SUBCHAPTER B. BOARD OF DIRECTORS

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

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

6           Sec. 8330.052. TEMPORARY DIRECTORS. (a) On or after the  
7 effective date of the Act creating this chapter, the owner or owners  
8 of a majority of the assessed value of the real property in the  
9 district may submit a petition to the Texas Commission on  
10 Environmental Quality requesting that the commission appoint as  
11 temporary directors the five persons named in the petition. The  
12 commission shall appoint as temporary directors the five persons  
13 named in the petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 8330.003; or

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

19           (c) If permanent directors have not been elected under  
20 Section 8330.003 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 8330.003; or

26                   (2) the fourth anniversary of the date of the  
27 appointment or reappointment.

1       (d) If Subsection (c) applies, the owner or owners of a  
2 majority of the assessed value of the real property in the district  
3 may submit a petition to the commission requesting that the  
4 commission appoint as successor temporary directors the five  
5 persons named in the petition. The commission shall appoint as  
6 successor temporary directors the five persons named in the  
7 petition.

8       [Sections 8330.053-8330.100 reserved for expansion]

9               SUBCHAPTER C. POWERS AND DUTIES

10       Sec. 8330.101. GENERAL POWERS AND DUTIES. The district has  
11 the powers and duties necessary to accomplish the purposes for  
12 which the district is created.

13       Sec. 8330.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
14 DUTIES. The district has the powers and duties provided by the  
15 general law of this state, including Chapters 49 and 54, Water Code,  
16 applicable to municipal utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

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

25       (b) The district may exercise the powers provided by this  
26 section without submitting a petition to or obtaining approval from  
27 the Texas Commission on Environmental Quality as required by

1 Section 54.234, Water Code.

2 Sec. 8330.104. APPROVAL OF ROAD PROJECT. (a) The district  
3 may not undertake a road project authorized by Section 8330.103  
4 unless:

5 (1) each municipality or county that will operate and  
6 maintain the road has approved the plans and specifications of the  
7 road project, if a municipality or county will operate and maintain  
8 the road; or

9 (2) the Texas Transportation Commission has approved  
10 the plans and specifications of the road project, if the state will  
11 operate and maintain the road.

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

16 Sec. 8330.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
17 OR RESOLUTION. The district shall comply with all applicable  
18 requirements of any ordinance or resolution that is adopted under  
19 Section 54.016 or 54.0165, Water Code, and that consents to the  
20 creation of the district or to the inclusion of land in the  
21 district.

22 Sec. 8330.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
23 district may not exercise the power of eminent domain outside the  
24 district to acquire a site or easement for:

25 (1) a road project authorized by Section 8330.103; or

26 (2) a recreational facility as defined by Section  
27 49.462, Water Code.

1 [Sections 8330.107-8330.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

6 (1) revenue other than ad valorem taxes; or

7 (2) contract payments described by Section 8330.153.

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

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

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

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

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

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

4       [Sections 8330.154-8330.200 reserved for expansion]

5               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6       Sec. 8330.201. AUTHORITY TO ISSUE BONDS AND OTHER  
7 OBLIGATIONS. The district may issue bonds or other obligations  
8 payable wholly or partly from ad valorem taxes, impact fees,  
9 revenue, contract payments, grants, or other district money, or any  
10 combination of those sources, to pay for any authorized district  
11 purpose.

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

18       Sec. 8330.203. BONDS FOR ROAD PROJECTS. At the time of  
19 issuance, the total principal amount of bonds or other obligations  
20 issued or incurred to finance road projects and payable from ad  
21 valorem taxes may not exceed one-fourth of the assessed value of the  
22 real property in the district.

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

26               TRACT I

27               Being a 37.73-acre (1,643,604 square feet) tract of land

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

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

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

23 THENCE, North 66°39'25" West, along the line common to said  
24 53.9470-acre Tract "A" and said 681.81-acre tract, a distance of  
25 433.02 feet to an angel point from which a one-inch iron pipe found  
26 bears N 65°16' E, 0.83 feet;

27 THENCE, North 67°18'25" West, continuing along the line



1 common to said 53.9470-acre Tract "A" and said 681.81-acre tract, a  
2 distance of 550.00 feet to an angel point from which a 5/8-inch iron  
3 rod found bears N 12°21' E, 0.35 feet;

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

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

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

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

18       THENCE, South 68°02'25" East, along the centerline of said  
19 Macek Road and along the southerly line of a called 8.6445 acre  
20 tract as recorded under File Number 9707473 of said F.B.C.O.R.,  
21 passing at 579.12 feet a 5/8-inch iron rod with cap stamped  
22 "Kalkomey Surveying" found for the southeast corner of said 8.6445  
23 acre tract, being the southwest corner of a called 0.50 acre tract  
24 as recorded under File Number 9520600 of said F.B.C.O.R., also  
25 being an angle point in said Macek Road, and continuing along the  
26 line common to said 53.9470 acre Tract "A", and said 0.50 acre tract  
27 for a total distance of 560.40 feet to a 5/8-inch iron rod found for

1 an interior corner;

2           THENCE, North 23°11'42" East, along the line common to said  
3 53.9470 acre Tract "A" and said 0.50 acre tract a distance of 163.89  
4 feet to a 5/8-inch iron rod with cap stamped "SURVCON INC." set for  
5 the southwest corner of a called 53.9470 acre Tract "B" as recorded  
6 under File Number 9707473 of said F.B.C.O.R., and being an angle  
7 point in the northerly line of said Tract "A";

8           THENCE, South 68°02'25" East, along the line common to said  
9 53.9470 acre Tract "A" and said 53.9470 acre Tract "B", a distance  
10 of 1,295.70 feet to a 5/8-inch iron rod found for the northeast  
11 corner of said Tract "A", being an interior corner of said Tract  
12 "B";

13           THENCE, South 20°11'32" West, continuing along the line  
14 common to said Tracts "A" and "B", a distance of 1,182.38 feet to an  
15 angel point from which a one-inch iron pipe found bears S 24°49' E,  
16 0.64 feet for the common south corner of said Tracts "A" and "B",  
17 and being in the aforementioned northerly right-of-way line of  
18 Thompson Road;

19           THENCE, North 83°18'50" West, along said northerly  
20 right-of-way line, a distance of 70.97 feet to the POINT OF  
21 BEGINNING, containing a computed area of 37.73 acres (1,643,604  
22 square feet) of land.

23           TRACT II

24           FIELD NOTES FOR A 8.632 ACRE TRACT OF LAND OUT OF THE PICKENS  
25 LABOR IN THE ABNER KUYKENDALL LEAGUE, ABSTRACT 48, FORT BEND  
26 COUNTY, TEXAS, SAID 8.632 ACRE TRACT BEING THAT CERTAIN CALLED  
27 8.6445 ACRE TRACT (EXHIBIT "C") IN DEED TO THE ZWIENER FAMILY

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1 LIMITED PARTNERSHIP RECORDED IN COUNTY CLERK'S FILE NO. 9707473,  
2 OFFICIAL PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, AND BEING MORE  
3 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: WITH ALL  
4 BEARINGS BASED ON THE EAST LINE OF THE AFOREMENTIONED CALLED 8.6445  
5 ACRE TRACT, BEING THE EAST LINE OF THE HEREIN DESCRIBED 8.632 ACRE  
6 TRACT, AND BEING WITHIN THE MARGINS OF MACEK ROAD AND BEING SOUTH 26  
7 DEGREES 13 MINUTES 00 SECONDS WEST.

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

18 THENCE North 65 degrees 05 minutes 45 seconds West (called  
19 North 65 degrees 01 minute West) along the common line of the  
20 aforementioned called 8.6445 acre tract of land and the  
21 aforementioned adjoining called 53.9470 acre tract of land as  
22 located in Macek Road, 280.37 feet (called 280.10 feet) to a cotton  
23 picker spindle set on said line for the lower west corner of the  
24 herein described 8.632 acre tract of land;

25 THENCE North 26 degrees 13 minutes 00 seconds East (called  
26 North 26 degrees 13 minutes East), 20.00 feet (called 20.00 feet) to  
27 a 2 inch iron bar found in the northeast margin of Macek Road for a

1 re-entry corner to the herein described 8.632 acre tract of land,  
2 from which point a found 3/4 inch iron pipe bears North 22 degrees  
3 18 minutes 20 seconds East, 1.30 feet;

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

13         THENCE North 26 degrees 04 minutes 39 seconds East (called  
14 North 26 degrees 03 minutes 53 seconds East) along the common line  
15 of the aforementioned called 8.6445 acre tract of land, and the  
16 aforementioned adjoining called 1.00 acre tract of land, at 435.72  
17 feet pass a 2 inch iron pipe found on said line for the east corner  
18 of the aforementioned adjoining called 1.00 acre tract of land,  
19 same being a south corner of an adjoining residue of a called 20  
20 acre tract of land recorded in Cause No. 16049, Probate Records,  
21 Fort Bend County, Texas, and described in Volume 704, Page 1, Deed  
22 Records, Fort Bend, County, Texas, at 1,404.00 feet pass a 2 inch  
23 iron pipe with cap marked "Kalkomey Surveying" set for reference on  
24 said line at the southerly high bank of Rabbs Bayou and continuing  
25 for a total distance of 1,565.62 feet (called 1,565.62 feet) to a  
26 point in the center line of Rabbs Bayou for the north corner of the  
27 herein described 8.632 acre tract of land, same being the north

1 corner of said called 8.6445 acre tract of land, being in the  
2 southeast line of the aforementioned adjoining residue of a called  
3 20 acre tract of land, and being a west corner of an adjoining  
4 called 10.5247 acre tract of land described in deed recorded in  
5 County Clerk's File No. 2000023853, Official Public Records, Fort  
6 Bend County, Texas;

7       THENCE South 84 degrees 56 minutes 49 seconds East (called  
8 South 86 degrees 04 minutes 53 seconds East) along the center line  
9 of Rabbs Bayou, being the common line of the aforementioned called  
10 8.6445 acre tract of land and the aforementioned adjoining called  
11 10.5247 acre tract of land, 136.30 feet (called 138.10 feet) to a  
12 point in the center line of Rabbs Bayou for the upper east corner of  
13 the herein described 8.632 acre tract of land, same being the north  
14 corner of an adjoining residue of a called 17.86 acre tract of land  
15 (4.0591 acres) described in deed recorded in Volume 140, Page 114,  
16 Deed Records, Fort Bend County, Texas;

17       THENCE South 26 degrees 13 minutes 00 seconds West (called  
18 South 26 degrees 13 minutes 00 seconds West) along the common line  
19 of the aforementioned called 8.6445 acre tract of land and the  
20 aforementioned adjoining residue of a called 17.86 acre tract of  
21 land, at 103.00 feet pass a 2 inch iron pipe found on said line for  
22 reference at the southerly high bank of Rabbs Bayou, and continuing  
23 for a total distance of 596.89 feet (called 602.27 feet) to a 2 inch  
24 iron pipe found for a re-entry corner to the herein described 8.632  
25 acre tract of land, same being the west corner of the aforementioned  
26 adjoining residue of a called 17.86 acre tract of land;

27       THENCE South 65 degrees 52 minutes 28 seconds East (called

1 South 66 degrees 16 minutes 00 seconds East) continuing along the  
2 common line of said called 8.6445 acre tract of land and the  
3 aforementioned adjoining residue of a called 17.86 acre tract of  
4 land, at 0.74 feet pass a 3/4 inch iron pipe found on said line, at  
5 250.46 feet pass a 2 inch iron pipe found on said line at its  
6 intersection with the northwest line of Macek Road, and continuing  
7 for a total distance of 280.48 feet (called 280.30 feet) to a cotton  
8 picker spindle found for the middle east corner of the herein  
9 described 8.632 acre tract of land, same being the south corner of  
10 the aforementioned adjoining residue of a called 17.86 acre tract  
11 of land, and being in the northwest line of an adjoining called 1.0  
12 acre tract of land described in deed recorded in Volume 2425, Page  
13 1179, Official Records, Fort Bend County, Texas;

14       THENCE South 26 degrees 13 minutes 00 seconds West (called  
15 South 26 degrees 13 minutes 00 seconds West) along the common line  
16 of said called 8.6445 acre tract of land and the aforementioned  
17 adjoining called 1.0 acre tract of land, and an adjoining called  
18 0.50 acre tract of land described in deed recorded in Volume 2425,  
19 Page 1183, Official Records, Fort Bend County, Texas, as located in  
20 Macek Road, 60.00 feet (called 60.00 feet) to a cotton picker  
21 spindle set for the upper south corner of the herein described 8.632  
22 acre tract of land, same being the east corner of an adjoining  
23 called 2.608 acre tract of land described in deed recorded in Volume  
24 664, Page 720, Deed Records, Fort Bend County, Texas;

25       THENCE North 66 degrees 18 minutes 16 seconds West (called  
26 North 66 degrees 16 minutes 00 seconds West) along the common line  
27 of said called 8.6445 acre tract of land and the aforementioned

1 adjoining called 2.608 acre tract of land, at 30.02 feet pass a 5/8  
2 inch iron rod found on said line at its intersection with the  
3 northwest line of Macek Road, and continuing for a total distance of  
4 280.57 feet (called 280.30 feet) to a 5/8 inch iron rod found for a  
5 re-entry corner to the herein described 8.632 acre tract of land,  
6 same being the north corner of the aforementioned adjoining called  
7 2.608 acre tract of land;

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

18       THENCE South 66 degrees 19 minutes 55 seconds East (called  
19 South 66 degrees 16 minutes 00 seconds East) continuing along the  
20 common line of said called 8.6445 acre tract of land and the  
21 aforementioned adjoining called 2.608 acre tract of land, at 250.55  
22 feet pass a 2 inch iron pipe with cap marked "Kalkomey Surveying"  
23 set on said line at its intersection with the northwest line of  
24 Macek Road, and continuing for a total distance of 280.58 feet  
25 (called 280.30 feet) to a cotton picker spindle set for the lower  
26 east corner of the herein described 8.632 acre tract of land, being  
27 the south corner of the aforementioned adjoining called 2.608 acre

1 tract of land, and being in the northwest line of an adjoining  
2 called 0.515 acre tract of land described in deed recorded in Volume  
3 2060, Page 1525, Official Records, Fort Bend County, Texas;

4       THENCE South 26 degrees 13 minutes 00 seconds West (called  
5 South 26 degrees 13 minutes 00 seconds West) along the  
6 southeasterly line of said called 8.6445 acre tract of land as  
7 located in Macek Road, same being the northwest line of the  
8 aforementioned adjoining called 0.515 acre tract of land, and the  
9 northwest line of an adjoining called 1.0 acre tract of land  
10 described in deed recorded in Volume 485, Page 320, Deed Records,  
11 Fort Bend County, Texas, the northwest line of an adjoining residue  
12 of a called 1.0 acre tract of land described in deed recorded in  
13 Volume 559, Page 59, Deed Records, Fort Bend County, Texas, the  
14 northwest line of an adjoining called 0.50 acre tract of land  
15 described in County Clerk's File No. 9887910, Official Public  
16 Records, Fort Bend County, Texas, the northwest line of an  
17 adjoining called 2 acre tract described in deed recorded in Volume  
18 594, Page 861, Deed Records, Fort Bend County, Texas, the northwest  
19 line of an adjoining called 0.500 acre tract of land described in  
20 deed recorded in County Clerk's File No. 9520600, Official Public  
21 Records, Fort Bend County, Texas, and the northwest line of the  
22 aforementioned adjoining called 0.50 acre tract of land described  
23 in County Clerk's File No. 1999018432, Official Public Records,  
24 Fort Bend County, Texas, 573.59 feet (called 573.59 feet) to the  
25 Place of Beginning and containing 8.632 acres of land, with 0.550  
26 acre within the margins of Macek Road, for a net acreage of 8.092  
27 acres of land, more or less.



1 TRACT III

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

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

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

21 THENCE, North 20°11'32" East, departing said northerly  
22 right-of-way line and along the common line to said 53.9470-acre  
23 Tract "B" and called 53.9470-acre Tract "A" as recorded under File  
24 Number 9725698 of said F.B.C.O.R., a distance of 1,182.38 feet to a  
25 3/4-inch iron pipe found for an interior corner of the herein  
26 described tract;

27 THENCE, North 68°02'25" West, along said common line, a

1 distance of 1,294.57 feet to a 5/8-inch iron rod with cap stamped  
2 "SURVCON INC." found for westerly corner;

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

6 THENCE, North 66°48'19" West, a distance of 250.30 feet to a  
7 3/4-inch iron pipe found for a corner and same being on the easterly  
8 right-of-way line of Macek Road (60 feet wide) as recorded under  
9 Volume 517, Page 590 of said F.B.C.D.R.;

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

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

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

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

21 THENCE, South 60°15'56" East, along said center line, a  
22 distance of 554.12 feet to an angle point;

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

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

27 THENCE, South 75°23'46" East, continuing along said center

1 line, a distance of 166.22 feet to an angle point;

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

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

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

15       (b) The governor, one of the required recipients, has  
16 submitted the notice and Act to the Texas Commission on  
17 Environmental Quality.

18       (c) The Texas Commission on Environmental Quality has filed  
19 its recommendations relating to this Act with the governor, the  
20 lieutenant governor, and the speaker of the house of  
21 representatives within the required time.

22       (d) All requirements of the constitution and laws of this  
23 state and the rules and procedures of the legislature with respect  
24 to the notice, introduction, and passage of this Act are fulfilled  
25 and accomplished.

26       SECTION 4. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 2123

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2009.