

1 AN ACT

2 relating to the creation of the Smith Road Water Control and
3 Improvement District No. 1 of Jefferson County; providing authority
4 to impose a tax and issue bonds; granting levee and flood hazard
5 mitigation powers.

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

7 SECTION 1. Subtitle I, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 9031 to read as follows:

9 CHAPTER 9031. SMITH ROAD WATER CONTROL AND IMPROVEMENT DISTRICT

10 NO. 1 OF JEFFERSON COUNTY

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 9031.001. DEFINITIONS. In this chapter:

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

14 (2) "Director" means a board member.

15 (3) "District" means the Smith Road Water Control and
16 Improvement District No. 1 of Jefferson County.

17 Sec. 9031.002. NATURE OF DISTRICT. The district is a water
18 control and improvement district in Jefferson County created under
19 and essential to accomplish the purposes of Section 59, Article
20 XVI, Texas Constitution.

21 Sec. 9031.003. CONFIRMATION ELECTION REQUIRED. If the
22 creation of the district is not confirmed at a confirmation
23 election held under Section 9031.024 before September 1, 2013:

24 (1) the district is dissolved September 1, 2013,

1 except that the district shall:

2 (A) pay any debts incurred;

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

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

7 (2) this chapter expires September 1, 2016.

8 Sec. 9031.004. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

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

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

17 (2) the district's right to impose taxes;

18 (3) the validity of the district's bonds, notes, or
19 indebtedness; or

20 (4) the board's legality or operation.

21 [Sections 9031.005-9031.020 reserved for expansion]

22 SUBCHAPTER A-1. TEMPORARY PROVISIONS

23 Sec. 9031.021. TEMPORARY DIRECTORS. (a) On or after
24 September 1, 2009, a person who owns land in the district may submit
25 a petition to the Texas Commission on Environmental Quality
26 requesting that the commission appoint as temporary directors the
27 five persons named in the petition.

1 (b) The commission shall appoint as temporary directors the
2 five persons named in the first petition the commission receives.

3 (c) If a temporary director fails to qualify for office, the
4 commission shall appoint a person to fill the vacancy.

5 (d) Temporary directors serve until the earlier of:

6 (1) the date directors are elected under Section
7 9031.024; or

8 (2) the date this chapter expires under Section
9 9031.003.

10 Sec. 9031.022. ORGANIZATIONAL MEETING OF TEMPORARY
11 DIRECTORS. As soon as practicable after all temporary directors
12 qualify under Section 49.055, Water Code, the temporary directors
13 shall meet at a location in the district agreeable to a majority of
14 the directors. If a location cannot be agreed upon, the meeting
15 shall be at the Jefferson County Courthouse. At their initial
16 meeting the temporary directors shall elect officers from among the
17 temporary directors and conduct any other district business.

18 Sec. 9031.023. CONSENT OF MUNICIPALITY REQUIRED. The
19 temporary directors may not hold an election under Section 9031.024
20 until each municipality in whose corporate limits or
21 extraterritorial jurisdiction the district is located, if any, has
22 adopted a resolution consenting to the district's creation.

23 Sec. 9031.024. CONFIRMATION AND INITIAL DIRECTORS'
24 ELECTION. The temporary directors shall hold an election to
25 confirm the district's creation and to elect five directors as
26 provided by Section 49.102, Water Code.

27 Sec. 9031.025. INITIAL ELECTED DIRECTORS; TERMS. The

1 directors elected under Section 9031.024 shall draw lots to
2 determine which two shall serve until the first regularly scheduled
3 election of directors under Section 9031.052 and which three shall
4 serve until the second regularly scheduled election of directors.

5 Sec. 9031.026. EXPIRATION OF SUBCHAPTER. This subchapter
6 expires September 1, 2016.

7 [Sections 9031.027-9031.050 reserved for expansion]

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. 9031.051. DIRECTORS; TERMS. (a) The district is
10 governed by a board of five directors.

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

12 Sec. 9031.052. ELECTION OF DIRECTORS. On the uniform
13 election date in May of each even-numbered year, the appropriate
14 number of directors shall be elected.

15 [Sections 9031.053-9031.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 9031.101. WATER CONTROL AND IMPROVEMENT DISTRICT
18 POWERS AND DUTIES. The district has the powers and duties provided
19 by the general law of this state, applicable to water control and
20 improvement districts created under Section 59, Article XVI, Texas
21 Constitution, including Chapters 49 and 51, Water Code.

22 Sec. 9031.102. ROAD PROJECTS. (a) To the extent authorized
23 by Section 52, Article III, Texas Constitution, the district may
24 construct, acquire, improve, maintain, or operate macadamized,
25 graveled, or paved roads, or improvements in aid of those roads,
26 inside the district.

27 (b) A road project must meet or exceed all applicable

1 construction standards, zoning and subdivision requirements, and
2 regulatory ordinances of each municipality in whose corporate
3 limits or extraterritorial jurisdiction the district is located. If
4 the district is located outside the extraterritorial jurisdiction
5 of a municipality, a road project must meet or exceed all applicable
6 construction standards, zoning and subdivision requirements, and
7 regulatory ordinances of each county in which the district is
8 located.

9 (c) The district may not undertake a road project unless
10 each municipality in whose corporate limits or extraterritorial
11 jurisdiction the district is located consents by ordinance or
12 resolution. If a district is located outside the extraterritorial
13 jurisdiction of a municipality, the district may not undertake a
14 road project unless each county in which the district is located
15 consents by ordinance or resolution.

16 Sec. 9031.103. POTABLE WATER SUPPLIER. The district shall
17 purchase potable water for the district from the West Jefferson
18 County Municipal Water District or a successor to that supplier of
19 potable water.

20 Sec. 9031.104. LEVEE AND FLOOD HAZARD MITIGATION POWERS.
21 The district may purchase, construct, acquire, own, operate,
22 maintain, improve, or extend, inside or outside the district,
23 levees, dikes, flood hazard mitigation structures, and any other
24 improvements or facilities necessary or convenient to accomplish
25 the levee improvements and flood hazard mitigation purposes of the
26 district under Chapter 57, Water Code, as authorized by Section 59,
27 Article XVI, Texas Constitution.

1 Sec. 9031.105. DIVISION OF DISTRICT. (a) The district may
2 be divided into two new districts only if the district:

3 (1) has no outstanding bonded debt; and

4 (2) is not imposing ad valorem taxes.

5 (b) The division procedure is prescribed by Sections 53.030
6 through 53.041, Water Code. Sections 51.748 through 51.753, Water
7 Code, do not apply to the district.

8 (c) Any new district created by the division of the district
9 has all the powers and duties of the district.

10 (d) A new district, at the time it is created by the division
11 of the district, may not contain land outside the area described by
12 Section 2 of the Act creating this chapter.

13 Sec. 9031.106. LIMITATION ON DISTRICT DISSOLUTION. (a)
14 Notwithstanding Section 43.0751, Local Government Code, or any
15 other general law, the district may not be dissolved before
16 December 31, 2019, unless the dissolution is approved by:

17 (1) the board; and

18 (2) the governing body of each municipality in whose
19 corporate limits or extraterritorial jurisdiction the district is
20 located.

21 (b) This section expires December 31, 2019.

22 [Sections 9031.107-9031.150 reserved for expansion]

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 9031.151. TAX TO REPAY BONDS. The district may impose
25 a tax to pay the principal of or interest on bonds issued under
26 Section 9031.201.

27 [Sections 9031.152-9031.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9031.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49, 51, and 57, Water Code, and to finance the construction, maintenance, or operation of projects under Sections 9031.101, 9031.102, and 9031.104.

(b) The district may not issue bonds to finance projects authorized by Section 9031.102 unless the issuance is approved by a vote of a two-thirds majority of district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 9031.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Smith Road Water Control and Improvement District No. 1 of Jefferson County initially includes all the territory contained in the following area:

EXHIBIT "A"

LEGAL DESCRIPTION OF LAND:

Tract I:

BEING a 21.104 acre tract of land, being out of and a part of that certain Louisiana Gas Development Corporation called 21.100 acre tract of land more fully described and recorded in Clerk File No. 2005028881 of the Official Public Records of Jefferson County, Texas. Said 21.104 acre tract being out of the T. & N. O. R. R. Co. Survey, Abstract No. 261, of said County and State, and is more particularly described as follows:

BEGINNING at a Concrete Monument found for the Easterly corner of

1 said Louisiana Gas Development Corporation called 21.100 acre tract
2 of land, same being the intersection of the Southwesterly right of
3 way line of Smith Road a public right of way and the Northwesterly
4 right of way line of Interstate Highway No. 10 a public right of
5 way;

6 THENCE South 41 Deg. 37 Min. 00 Sec. West (Reference Bearing) along
7 and with the Southeasterly line of said Louisiana Gas Development
8 Corporation called 21.100 acre tract, same being the Northwesterly
9 right of way line of said Interstate Highway No. 10, a distance of
10 1000.09 feet to a 5/8-inch iron rod marked "Leap Eng." set for the
11 Southerly corner of said Louisiana Gas Development Corporation
12 called 21.100 acre tract, same being an East corner of that certain
13 Louisiana Gas Development called residue of 501.76 acre tract of
14 land, more fully described in Clerk File No. 2005028881 of the
15 Official Public Records of said county and state;

16 THENCE North 50 Deg. 10 Min. 20 Sec. West along and with the
17 Southwesterly line of said Louisiana Gas Development Corporation
18 called 21.100 acre tract, same being a Northeasterly line of said
19 Louisiana Gas Development Corporation called residue of 501.76 acre
20 tract, a distance of 850.40 feet to a 1-inch iron rod found for the
21 Westerly corner of said Louisiana Gas Development Corporation
22 called 21.100 acre tract, same being an ell corner of said Louisiana
23 Gas Development Corporation called residue of 501.76 acre tract;

24 THENCE North 41 Deg. 37 Min. 45 Sec. East along and with the
25 Northwesterly line of said Louisiana Gas Development Corporation
26 called 21.100 acre tract, same being a Southeast line of said
27 Louisiana Gas Development Corporation called residue of 501.76 acre

1 tract, a distance of 1130.75 feet to a 1-inch iron rod found for the
2 Northerly corner of said Louisiana Gas Development Corporation
3 called 21.100 acre tract, same being the most Northwesterly East
4 corner of said Louisiana Gas Development Corporation called residue
5 of 501.76 acre tract, same being in the Southwesterly right of way
6 line of said Smith Road;

7 THENCE South 50 Deg. 12 Min. 03 Sec. East along and with the
8 Northeasterly line of said Louisiana Gas Development Corporation
9 called 21.100 acre tract, same being the Southwesterly right of way
10 of Smith Road, a distance of 211.13 feet to a concrete monument
11 found for an angle point of said Louisiana Gas Development
12 Corporation called 21.100 acre tract;

13 THENCE South 38 Deg. 32 Min. 29 Sec. East along and with the
14 Northeasterly line of said Louisiana Gas Development Corporation
15 said 21.100 acre tract, same being the Southwesterly right of way
16 line of said Smith Road, a distance of 648.25 feet to the PLACE OF
17 BEGINNING, containing 21.104 acres of land, more or less.

18 Tract II:

19 BEING a 51.418 acre tract of land, being out of and a part of that
20 certain Louisiana Gas Development Corporation called 231.743 acre
21 tract of land more fully described and recorded in Clerk File No.
22 2005028881 of the Official Public Records of Jefferson County,
23 Texas. Said 51.418 acre tract being out of the H. T. & N. O. R. R.
24 Co. Survey, Abstract No. 143, of said County and State, and is more
25 particularly described as follows:

26 BEGINNING at a 1-inch iron rod found for the Southerly corner of
27 said Louisiana Gas Development Corporation called 231.743 acre

1 tract, same being in the Northwesterly right of way line of said
2 Interstate Highway No. 10, same being the Southeasterly corner of
3 that certain Sherholders LP called 408.233 acre tract of land more
4 fully described in Clerk File No. 2003026036 of the Official Public
5 Records of said County and State, same being the Southerly corner of
6 said Louisiana Gas Development Corporation called residue of 501.76
7 acre tract;

8 THENCE North 20 Deg. 41 Min. 25 Sec. East along and with the
9 Westerly line of said Louisiana Gas Development Corporation called
10 231.743 acre tract, same being the Easterly line of said Louisiana
11 Gas Development Corporation called residue of 501.76 acre tract, a
12 distance of 2335.19 feet to a 1-inch iron rod found for an angle
13 point in the Westerly line of said Louisiana Gas Development
14 Corporation called 231.743 acre tract;

15 THENCE South 50 Deg. 10 Min. 15 Sec. East along and with a
16 Northeasterly line of said Louisiana Gas Development Corporation
17 called 231.743 acre tract, same being a Southwesterly line of said
18 Louisiana Gas Development Corporation called residue of 501.76 acre
19 tract, a distance of 174.42 feet to a 1-inch iron rod found for an
20 ell corner of said Louisiana Gas Development Corporation called
21 231.743 acre tract;

22 THENCE North 41 Deg. 37 Min. 05 Sec. East continuing along and with
23 the Westerly line of said Louisiana Gas Development Corporation
24 called 231.743 acre tract, same being the Easterly line of said
25 Louisiana Gas Development Corporation called residue of 501.76 acre
26 tract, a distance of 1999.86 feet to a 5/8-inch iron rod marked
27 "Leap Eng." set for the Northerly corner of the herein described

1 51.418 acre tract, same being the Southerly corner of a 180.238 acre
2 tract of land called tract III surveyed on the same date as the
3 herein described;

4 THENCE South 50 Deg. 10 Min. 20 Sec. East along and with the
5 Northeasterly line of said Louisiana Gas Development Corporation
6 called 231.743 acre tract, same being the Southwesterly line of
7 said Louisiana Gas Development Corporation called residue of 501.76
8 acre tract, a distance of 660.00 feet to a 1-inch iron rod found for
9 the Easterly corner of said Louisiana Gas Development Corporation
10 called 231.743 acre tract, same being in the Northwesterly right of
11 way line of said Interstate Highway No. 10;

12 THENCE South 41 Deg. 37 Min. 00 Sec. West along and with the
13 Southeasterly line of said Louisiana Gas Development Corporation
14 called 231.743 acre tract, same being the Northwesterly right of
15 way line of said Interstate Highway No. 10, a distance of 4207.07
16 feet to the PLACE OF BEGINNING, containing 51.418 acres of land,
17 more or less.

18 Tract III:

19 BEING a 180.238 acre tract of land, being out of and a part of that
20 certain Louisiana Gas Development Corporation called 231.743 acre
21 tract of land more fully described and recorded in Clerk File No.
22 2005028881 of the Official Public Records of Jefferson County,
23 Texas. Said 180.238 acre tract being out of the H. T. & N. O. R. R.
24 Co. Survey, Abstract No. 143, T. & N. O. R. R. Co. Survey, Abstract
25 No. 260, T. & N. O. R. R. Co. Survey, Abstract No. 261, George W.
26 Kidd Survey, Abstract No. 795, George W. Kidd Survey, Abstract No.
27 737, and S. D. Decordova Survey, Abstract No. 851 of said County and

1 State, and is more particularly described as follows:
2 BEGINNING at a 1-inch iron rod found for a Easterly corner of said
3 Louisiana Gas Development Corporation called 231.743 acre tract,
4 same being in the Southwesterly right of way line of said Smith
5 Road, same being in the Northerly line of said Louisiana Gas
6 Development Corporation called residue of 501.76 acre tract;
7 THENCE South 41 Deg. 38 Min. 21 Sec. West along and with a
8 Southeasterly line of said Louisiana Gas Development Corporation
9 called 231.743 acre tract, same being a Northeasterly line of said
10 Louisiana Gas Development Corporation called residue of 501.76 acre
11 tract, a distance of 2130.59 feet to a 1-inch iron rod found for an
12 ell corner of said Louisiana Gas Development Corporation called
13 231.743 acre tract;
14 THENCE South 50 Deg. 19 Min. 12 Sec. East along and with a
15 Northeasterly line of said Louisiana Gas Development Corporation
16 called 231.743 acre tract, same being a Southwesterly line of said
17 Louisiana Gas Development Corporation called residue of 501.76 acre
18 tract, a distance of 1150.80 feet to a 5/8-inch iron rod marked
19 "Leap Eng." set for a PC of a non tangent curve to the right;
20 THENCE along and with the curve to the right an arc distance of
21 272.42 feet with a radius of 363.39 feet with a chord bearing of
22 South 20 Deg. 10 Min. 36 Sec. West a chord distance of 266.09 feet to
23 a 1-inch iron rod found for an angle point of said Louisiana Gas
24 Development Corporation called 231.743 acre tract;
25 THENCE South 41 Deg. 37 Min. 05 Sec. West along and with a
26 Southeasterly line of said Louisiana Gas Development Corporation
27 called 231.743 acre tract, same being a Northwesterly line of said

1 Louisiana Gas Development Corporation called residue of 501.76 acre
2 tract, a distance of 1751.90 feet to a 5/8-inch iron rod marked
3 "Leap Eng." set for the Southerly corner of the herein described
4 180.238 acre tract, same being the Northerly corner of a 51.418 acre
5 tract of land called Tract II surveyed on the same day as the herein
6 described tract of land;

7 THENCE North 50 Deg. 10 Min. 20 Sec. West along and with a
8 Southwesterly line of said Louisiana Gas Development Corporation
9 called 231.743 acre tract, same being a Northeasterly line of said
10 Louisiana Gas Development Corporation called residue of 501.76 acre
11 tract, a distance of 644.41 feet to a 1-inch iron rod found for an
12 ell corner of said Louisiana Gas Development Corporation called
13 231.743 acre tract;

14 THENCE South 41 Deg. 35 Min. 30 Sec. West along and with a
15 Southeasterly line of said Louisiana Gas Development Corporation
16 called 231.743 acre tract, same being a Northwesterly line of said
17 Louisiana Gas Development Corporation called residue of 501.76 acre
18 tract, a distance of 239.63 feet to a 5/8-inch iron rod marked "Leap
19 Eng." set for an angle point for said Louisiana Gas Development
20 Corporation called 231.743 acre tract;

21 THENCE South 89 Deg. 57 Min. 09 Sec. West along and with a Southerly
22 line of said Louisiana Gas Development Corporation called 231.743
23 acre tract, same being a Northerly line of said Louisiana Gas
24 Development Corporation called residue of 501.76 acre tract, a
25 distance of 1077.96 feet to a 5/8-inch iron rod marked "Leap Eng."
26 set for an ell corner of said Louisiana Gas Development Corporation
27 called 231.743 acre tract;

1 THENCE South 00 Deg. 15 Min. 31 Sec. East along and with a Easterly
2 line of said Louisiana Gas Development Corporation called 231.743
3 acre tract, same being a Westerly line of said Louisiana Gas
4 Development Corporation called residue of 501.76 acre tract, a
5 distance of 1074.17 feet to a 1-inch iron rod found for an ell
6 corner of said Louisiana Gas Development Corporation called 231.743
7 acre tract;

8 THENCE South 89 Deg. 37 Min. 40 Sec. West along and with a Southerly
9 line of said Louisiana Gas Development Corporation called 231.743
10 acre tract, same being a Northerly line of said Louisiana Gas
11 Development Corporation called residue of 501.76 acre tract, a
12 distance of 571.97 feet to a 5/8-inch iron rod marked "Leap Eng."
13 set for a Southwesterly corner of said Louisiana Gas Development
14 Corporation called 231.743 acre tract, same being a Northwesterly
15 corner of said Louisiana Gas Development Corporation called residue
16 of 501.76 acre tract, same being in the Easterly line of said
17 Sherholders LP called 408.233 acre tract;

18 THENCE North 00 Deg. 14 Min. 54 Sec. West along and with a Westerly
19 line of said Louisiana Gas Development Corporation called 231.743
20 acre tract, same being the Easterly line of said Sherholders LP
21 called 408.233 acre tract, a distance of 1076.90 feet to a 1-inch
22 iron rod found for an ell corner of said Louisiana Gas Development
23 Corporation called 231.743 acre tract, same being the Easterly
24 corner of said Sherholders LP called 408.233 acre tract;

25 THENCE South 89 Deg. 58 Min. 03 Sec. West along and with a Southerly
26 line of said Louisiana Gas Development Corporation called 231.743
27 acre tract, same being the Northerly line of said Sherholders LP

1 called 408.233 acre tract, a distance of 2083.92 feet to a point for
2 corner marking a Southwesterly corner of said Louisiana Gas
3 Development Corporation called 231.743 acre tract, same being the
4 Northwesterly corner of said Sherholders LP called 408.233 acre
5 tract, same being in the Easterly line of that certain Sherholders
6 LP called 126.010 acre tract of land more fully described in Clerks
7 File No. 2003026036 of the Official Public Records of said County
8 and State;

9 THENCE North 00 Deg. 14 Min. 37 Sec. West along and with a Westerly
10 line of said Louisiana Gas Development Corporation called 231.743
11 acre tract, same being the Easterly line of said Sherholders LP
12 called 126.010 acre tract, a distance of 535.85 feet to a 5/8-inch
13 iron rod marked "Leap Eng." set for a Northwesterly corner of said
14 Louisiana Gas Development Corporation called 231.743 acre tract,
15 same being a Southwesterly corner of said Louisiana Gas Development
16 Corporation called residue of 501.76 acre tract;

17 THENCE North 89 Deg. 41 Min. 36 Sec. East along and with a Northerly
18 line of said Louisiana Gas Development Corporation called 231.743
19 acre tract, same being the Southerly line of said Louisiana Gas
20 Development Corporation called residue of 501.76 acre tract, a
21 distance of 3114.90 feet to a 1-inch iron rod found for an angle
22 point of said Louisiana Gas Development Corporation called 231.743
23 acre tract;

24 THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a
25 Northwesterly line of said Louisiana Gas Development Corporation
26 called 231.743 acre tract, same being a Southeasterly line of said
27 Louisiana Gas Development Corporation called residue of 501.76 acre

1 tract, a distance of 2215.26 feet to a 1-inch iron rod found for an
2 ell corner of said Louisiana Gas Development Corporation called
3 231.743 acre tract;

4 THENCE North 50 Deg. 10 Min. 15 Sec. West along and with a
5 Southwesterly line of said Louisiana Gas Development Corporation
6 called 231.745 acre tract, same being a Northeasterly line of said
7 Louisiana Gas Development Corporation called residue of 501.76 acre
8 tract, a distance of 829.98 feet to a 1-inch iron rod found a
9 Westerly corner of said Louisiana Gas Development Corporation
10 called 231.743 acre tract, same being a Northerly corner of said
11 Louisiana Gas Development Corporation called residue of 501.76 acre
12 tract, same being in the Southeasterly line of that certain D & R
13 Properties called 150.08 acre tract of land more fully described in
14 Clerk File No. 2005027161 of the Official Public Records of said
15 County and State;

16 THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a
17 Northwesterly line of said Louisiana Gas Development Corporation
18 called 231.743 acre tract, same being the Southeasterly line of
19 said D & R Properties called 150.08 acre tract and Treasure Cove a
20 subdivision to Jefferson County, Texas, recorded in Clerk File No.
21 2006024719 of the Map Records of said County and State, a distance
22 of 2129.83 feet to a 5/8-inch iron rod marked "Leap Eng." set for a
23 Northerly corner of said Louisiana Gas Development Corporation
24 called 231.743 acre tract, same being the Easterly corner of said D
25 & R Properties called 150.80 acre tract, same being in the
26 Southwesterly right of way line of said Smith Road;

27 THENCE South 50 Deg. 12 Min. 03 Sec. East along and with a

1 Northeasterly line of said Louisiana Gas Development Corporation
2 called 231.743 acre tract, same being the Southwesterly right of
3 way line of said Smith Road, a distance of 1057.06 feet to the PLACE
4 OF BEGINNING, containing 180.238 acres of land, more or less.

5 Attachment "B"

6 Surveyor's Field Note Description: 251.685 Acres

7 Tract I:

8 BEING a 101.623 acre tract of land, being out of and a part of that
9 certain Louisiana Gas Development Corporation called 248.917 acre
10 tract of land more fully described and recorded in Clerk File No.
11 2005028881 of the Official Public Records of Jefferson County,
12 Texas. Said 101.623 acre tract being out of the T. & N. O. R. R. Co.
13 Survey, Abstract No. 261, George W. Kidd Survey, Abstract No. 761,
14 George W. Kidd Survey, Abstract No. 795, George W. Kidd Survey,
15 Abstract No. 737, and the S.D. Decordova Survey, Abstract No. 851,
16 of said County and State, and is more particularly described as
17 follows:

18 BEGINNING at a 5/8-inch iron rod marked "Leap Eng." set for an
19 Easterly corner of said Louisiana Gas Development Corporation
20 called 248.917 acre tract, same being the Southerly corner of that
21 certain Louisiana Gas Development Corporation called 21.100 acre
22 tract of land more fully described in Clerk File No. 2005028881 of
23 the Official Public Records of said County and State, same being in
24 the Northwesterly right of way line of Interstate Highway No. 10 a
25 public right of way;

26 THENCE South 41 Deg. 37 Min. 00 Sec. West (Reference Bearing) along
27 and with the Southeasterly line of said Louisiana Gas Development

1 Corporation called 248.917 acre tract, same being the Northwesterly
2 right of way line of said Interstate Highway No. 10, a distance of
3 2999.99 feet to a 1-inch iron rod found for the Southerly corner of
4 said Louisiana Gas Development Corporation called 248.917 acre
5 tract, same being an Easterly corner of that certain Louisiana Gas
6 Development Corporation called 231.743 acre tract of land more
7 fully described in Clerk File No. 2005028881 of the Official Public
8 Records of said County and State;

9 THENCE North 50 Deg. 10 Min. 20 Sec. West along and with the
10 Southwesterly line of said Louisiana Gas Development Corporation
11 called 248.917 acre tract, same being a Northeasterly line of said
12 Louisiana Gas Development Corporation called 231.743 acre tract, a
13 distance of 660.00 feet to a 5/8-inch iron rod marked "Leap Eng."
14 set for a Westerly corner of the herein described 101.623 acre
15 tract, same being an Easterly corner of a 72.960 acre tract of land
16 called tract II surveyed on the same date as the herein described;

17 THENCE North 41 Deg. 37 Min. 05 Sec. East along and with a
18 Northwesterly line of said Louisiana Gas Development Corporation
19 called 248.917 acre tract, same being a southeasterly line of said
20 Louisiana Gas Development Corporation called 231.743 acre tract, a
21 distance of 1751.90 feet to a 1-inch iron rod found for the PC of a
22 non tangent curve to the left;

23 THENCE along and with the curve to the left an arc distance of
24 272.42 feet with a radius of 363.39 feet with a chord bearing of
25 North 20 Deg. 10 Min. 36 Sec. East with a chord distance of 266.09
26 feet to a 5/8-inch iron rod marked "Leap Eng." set for an angle
27 point of said Louisiana Gas Development Corporation called 248.917

1 acre tract;

2 THENCE North 50 Deg. 19 Min. 12 Sec. West along and with a
3 Southwesterly line of said Louisiana Gas Development Corporation
4 called 248.917 acre tract, same being a Northeasterly line of said
5 Louisiana Gas Development Corporation called 231.743 acre tract, a
6 distance of 1150.80 feet to a 1-inch iron rod found for an ell
7 corner of said Louisiana Gas Development Corporation called 248.917
8 acre tract;

9 THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a
10 Northwesterly line of said Louisiana Gas Development Corporation
11 called 248.917 acre tract, same being a Southeasterly line of said
12 Louisiana Gas Development Corporation called 231.743 acre tract, a
13 distance of 2130.59 feet to a 1-inch iron rod found for the
14 Northerly corner of a said Louisiana Gas Development Corporation
15 called 248.917 acre tract, same being an Easterly corner of said
16 Louisiana Gas Development Corporation called 231.743 acre tract,
17 same being in the Southwesterly right of way of Smith Road a public
18 right of way;

19 THENCE South 50 Deg. 12 Min. 03 Sec. East along and with a
20 Northeasterly line of said Louisiana Gas Development Corporation
21 called 248.917 acre tract, same being in the Southwesterly right of
22 way line of said Smith Road, a distance of 1056.98 feet to a 1-inch
23 iron rod found for an Easterly corner of said Louisiana Gas
24 Development Corporation called 248.917 acre tract same being the
25 Northerly corner of said Louisiana Gas Development Corporation
26 called 21.100 acre tract;

27 THENCE South 41 Deg. 37 Min. 45 Sec. West along and with a

1 Southeasterly line of said Louisiana Gas Development Corporation
2 called 248.917 acre tract same being the Northwesterly line of said
3 Louisiana Gas Development Corporation called 21.100 acre tract, a
4 distance of 1130.75 feet to a 1-inch iron rod found for an ell
5 corner of said Louisiana Gas Development Corporation called 248.917
6 acre tract, same being the Westerly corner of said Louisiana Gas
7 Development Corporation called 21.100 acre tract;
8 THENCE South 50 Deg. 10 Min. 20 Sec. East along and with a
9 Northeasterly line of said Louisiana Gas Development Corporation
10 called 248.917 acre tract, same being the Southwesterly line of
11 said Louisiana Gas Development Corporation called 21.100 acre
12 tract, a distance of 850.40 feet to the PLACE OF BEGINNING,
13 containing 101.623 acre of land, more or less.

14 Tract II

15 BEING a 72.960 acre tract of land, being out of and a part of that
16 certain Louisiana Gas Development Corporation called 248.917 acre
17 tract of land more fully described and recorded in Clerk File No.
18 2005028881 of the Official Public Records of Jefferson County,
19 Texas. Said 72.960 acre tract being out of the H. T. & N. O. R. R.
20 Co. Survey, Abstract No. 143, of said County and State, and is more
21 particularly described as follows:

22 BEGINNING at a 1-inch iron rod found for the Southerly corner of
23 said Louisiana Gas Development Corporation called 248.917 acre
24 tract, same being the Southerly corner of said Louisiana Gas
25 Development Corporation called 231.743 acre tract, same being in
26 the Northwesterly right of way line of said Interstate Highway No.
27 10, same being an easterly corner of that certain Sherholders LP

1 called 408.233 acre tract of land more fully described in Clerk File
2 No. 2003026036 of the Official Public Records of said County and
3 State;

4 THENCE North 00 Deg. 14 Min. 54 Sec. West along and with a Westerly
5 line of said Louisiana Gas Development Corporation called 248.917
6 acre tract, same being a Easterly line of said Sherholders LP called
7 408.233 acre tract, a distance of 2722.72 feet to a 5/8-inch iron
8 rod marked "Leap Eng." set for a Westerly corner of said Louisiana
9 Gas Development Corporation called 248.917 acre tract, same being a
10 Southwesterly corner of said Louisiana Gas Development Corporation
11 called 231.743 acre tract;

12 THENCE North 89 Deg. 37 Min. 40 Sec. East along and with a Northerly
13 line of said Louisiana Gas Development Corporation called 248.917
14 acre tract, same being a Southerly line of said Louisiana Gas
15 Development Corporation called 231.743 acre tract, a distance of
16 571.97 feet to a 1-inch iron rod found for an ell corner of said
17 Louisiana Gas Development Corporation called 248.917 acre tract;

18 THENCE North 00 Deg. 15 Min. 31 Sec. West along and with a Westerly
19 line of said Louisiana Gas Development Corporation called 248.917
20 acre tract, same being an Easterly line of said Louisiana Gas
21 Development Corporation called 231.743 acre tract, a distance of
22 1074.17 feet to a 5/8-inch iron rod marked "Leap Eng." set for an
23 ell corner of said Louisiana Gas Development Corporation called
24 248.917 acre tract;

25 THENCE North 89 Deg. 57 Min. 09 Sec. East along and with a Northerly
26 line of said Louisiana Gas Development Corporation called 248.917
27 acre tract, same being a Southerly line of said Louisiana Gas

1 Development Corporation called 231.743 acre tract, a distance of
2 1077.16 feet to a 5/8-inch iron rod marked "Leap Eng." set for an
3 angle point in said Louisiana Gas Development Corporation called
4 248.917 acre tract;

5 THENCE North 41 Deg. 35 Min. 30 Sec. East along and with a
6 Northwesterly line of said Louisiana Gas Development Corporation
7 called 248.917 acre tract, same being a Southeasterly line of said
8 Louisiana Gas Development Corporation called 231.743 acre tract, a
9 distance of 239.63 feet to a 1-inch iron rod found for an ell corner
10 of said Louisiana Gas Development Corporation called 248.917 acre
11 tract;

12 THENCE South 50 Deg. 10 Min. 20 Sec. East along and with a
13 Northeasterly line of said Louisiana Gas Development Corporation
14 called 248.917 acre tract same being a Southwesterly line of said
15 Louisiana Gas Development Corporation called 231.743 acre tract, a
16 distance of 644.41 feet to a 5/8-inch iron rod marked "Leap Eng."
17 set for an Easterly corner of the herein described 72.960 acre
18 tract, same being a Westerly corner of a 101.623 acre tract of land
19 called Tract I surveyed on the same date as the herein described;

20 THENCE South 41 Deg. 37 Min. 05 Sec. West along and with a
21 Southeasterly line of said Louisiana Gas Development Corporation
22 called 248.917 acre tact, same being a Northwesterly line of said
23 Louisiana Gas Development Corporation called 231.743 acre tract, a
24 distance of 1999.86 feet to a 1-inch iron rod found for an ell
25 corner of said Louisiana Gas Development Corporation called 248.917
26 acre tract;

27 THENCE North 50 Deg. 10 Min. 15 Sec. West along and with a

1 Southwesterly line of said Louisiana Gas Development Corporation
2 called 248.917 acre tract, same being a Northeasterly line of said
3 Louisiana Gas Development Corporation called 231.743 acre tract, a
4 distance of 174.42 feet to a 1-inch iron rod found for and angle
5 point in said Louisiana Gas Development Corporation called 248.917
6 acre tract;

7 THENCE South 20 Deg. 41 Min. 25 Sec. West along and with an Easterly
8 line of said Louisiana Gas Development Corporation called 248.917
9 acre tract, same being a Westerly line of said Louisiana Gas
10 Development Corporation called 231.743 acre tract, a distance of
11 2335.19 feet to the PLACE OF BEGINNING, containing 72.960 acres of
12 land, more or less.

13 Tract III

14 BEING a 77.049 acre tract of land, being out of and a part of that
15 certain Louisiana Gas Development Corporation called 248.917 acre
16 tract of land more fully described and recorded in Clerk File No.
17 2005028881 of the Official Public Records of Jefferson County,
18 Texas. Said 77.049 acre tract being out of the T. & N. O. R. R. Co.
19 Survey, Abstract No. 260, George W. Kidd Survey, Abstract No. 795,
20 George W. Kidd Survey, Abstract No. 737, and the S.D. Decordova
21 Survey, Abstract No. 851, of said County and State, and is more
22 particularly described as follows:

23 BEGINNING at a 1-inch iron rod found for Northerly corner of said
24 Louisiana Gas Development Corporation called 248.917 acre tract,
25 same being in the Southeasterly line of that certain D & R
26 Properties called 150.80 acre tract of land more fully described in
27 Clerk File No. 2005027161 of the Official Public Records of said

1 County and State, same being a Westerly corner of said Louisiana Gas
2 Development Corporation called 231.743 acre tract;

3 THENCE South 50 Deg. 10 Min. 15 Sec. East along and with a
4 Northeasterly line of said Louisiana Gas Development Corporation
5 called 248.917 acre tract, same being a Southwesterly line of said
6 Louisiana Gas Development Corporation called 231.743 acre tract, a
7 distance of 829.98 feet to a 1-inch iron rod found for an ell corner
8 of said Louisiana Gas Development Corporation called 248.917 acre
9 tract;

10 THENCE South 41 Deg. 36 Min. 48 Sec. West along and with a
11 Southeasterly line of said Louisiana Gas Development Corporation
12 called 248.917 acre tract, same being a Northeasterly line of said
13 Louisiana Gas Development Corporation called 231.743 acre tract, a
14 distance of 2215.29 feet to a 1-inch iron rod found for an ell
15 corner in said Louisiana Gas Development Corporation called 248.917
16 acre tract;

17 THENCE South 89 Deg. 41 Min. 36 Sec. West along and with a Southerly
18 line of said Louisiana Gas Development Corporation called 248.917
19 acre tract, same being a Northerly line of said Louisiana Gas
20 Development Corporation called 3114.90 feet to a 5/8-inch iron rod
21 marked "Leap Eng." set for a Southwesterly corner of said Louisiana
22 Gas Development Corporation called 248.917 acre tract, same being a
23 Northwesterly corner of said Louisiana Gas Development Corporation
24 called 231.743 acre tract, same being in a Easterly line of that
25 certain Sherholders LP called 126.010 acre tract of land more fully
26 described in Clerk File No. 2003026036 of the Official Public
27 Records of said County and State;

1 THENCE North 00 Deg. 14 Min. 37 Sec. West along and with a Westerly
2 line of said Louisiana Gas Development Corporation called 248.917
3 acre tract, same being a Easterly line of said Sherholders LP called
4 126.010 acre tract, a distance of 551.55 feet to a 5/8-inch iron rod
5 marked "Leap Eng." set for a Northwesterly corner of said Louisiana
6 Gas Development Corporation called 248.917 acre tract, same being a
7 Southwesterly corner of that certain Will Crenshaw called 207.49
8 acre tract of land more fully described in Clerk File No. 2006021640
9 of the Official Public Records of said County and State;

10 THENCE South 89 Deg. 59 Min. 38 Sec. East along and with a Northerly
11 line of said Louisiana Gas Development Corporation called 248.917
12 acre tract, same being a Southerly line of said Will Crenshaw called
13 207.49 acre tract and that certain Louisiana Gas Development
14 Corporation called 11.449 acre tract of land more fully described
15 in Clerk File No. 2000015005 of the Official Public Records of said
16 County and State, a distance of 2480.80 feet to a 5/8-inch iron rod
17 marked "Leap Eng." set for an angle point in said Louisiana Gas
18 Development Corporation called 248.917 acre tract;

19 THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a
20 Northwesterly line of said Louisiana Gas Development Corporation
21 called 248.917 acre tract, same being a Southeasterly line of said
22 Louisiana Gas Development Corporation called 11.449 acre tract and
23 said D & R Properties called 150.80 acre tract, a distance of
24 2213.74 feet to the PLACE OF BEGINNING, containing 77.049 acres of
25 land, more or less.

26 Tract IV

27 BEING a 11.435 acre tract of land consisting of that certain

1 Louisiana Gas Development Corporation called 11.449 acre tract of
2 land more fully described in Clerk File No. 2000015005 of the
3 Official Public Records of Jefferson County, Texas. Said 11.435
4 acre tract being out of the T. & N. O. R. R. Co. Survey, Abstract No.
5 260 and the George W. Kidd Survey, Abstract No. 737 of said County
6 and State, and is more particularly described as follows:

7 BEGINNING at a 5/8-inch iron rod marked "Leap Eng." set for the
8 Northwest corner of said Louisiana Gas Development Corporation
9 called 11.449 acre tract, same being a Southerly corner of said Will
10 Crenshaw called 207.49 acre tract, same being in the centerline of
11 that certain 125 foot wide Drainage Easement more fully described
12 in Film Coded No. 102-77-1073 of the Official Public Records of said
13 County and State;

14 THENCE North 89 Deg. 36 Min. 28 Sec. East along and with the
15 Northerly line of said Louisiana Gas Development Corporation called
16 11.449 acre tract, same being a Southerly line of said Will Crenshaw
17 called 207.49 acre tract, a distance of 940.86 feet to a 1/2-inch
18 iron rod found for the Northeast corner of said Louisiana Gas
19 Development Corporation called 11.449 acre tract, same being a
20 Southerly Corner of said Will Crenshaw called 207.49 acre tract;

21 THENCE South 00 Deg. 19 Min. 45 Sec. East along and with the
22 Easterly line of said Louisiana Gas Development Corporation called
23 11.449 acre tract, same being a Westerly line of said Will Crenshaw
24 called 207.49 acre tract, a distance of 487.58 feet to a 1/2-inch
25 iron rod found for the Southeast Corner of said Louisiana Gas
26 Development Corporation called 11.449 acre tract, same being an
27 interior corner of said Will Crenshaw called 207.49 acre tract,

1 same being in a Northerly line of said Louisiana Gas Development
2 Corporation called 248.917 acre tract;
3 THENCE South 41 Deg. 36 Min. 48 Sec. West along and with a
4 Southeasterly line of said Louisiana Gas Development Corporation
5 called 11.449 acre tract, same being a Northerly line of said
6 Louisiana Gas Development Corporation called 248.917 acre tract, a
7 distance of 273.14 feet to a 1/2-inch iron rod found for the most
8 Southerly Southeast corner of said Louisiana Gas Development
9 Corporation called 11.449 acre tract, same being an angle point of
10 said Louisiana Gas Development Corporation called 248.917 acre
11 tract,

12 THENCE North 89 Deg. 59 Sec. 38 Min. West along and with the
13 Southerly line of said Louisiana Gas Development Corporation called
14 11.449 acre tract, same being a northerly line of said Louisiana Gas
15 Development Corporation called 207.917 acre tract, a distance of
16 426.05 feet to a 5/8-inch iron rod marked "Leap Eng." set for the
17 Southwest Corner of said Louisiana Gas Development Corporation
18 called 11.449 acre tract, same being in a Northerly line of said
19 Louisiana Gas Development Corporation called 207.917 acre tract,
20 same being in the Centerline of said 125 foot wide Drainage
21 Easement;

22 THENCE in a Northerly direction along and with the Westerly line of
23 said Louisiana Gas Development Corporation called 11.449 acre
24 tract, same being a Easterly line of said Will Crenshaw called
25 207.49 acre tract same being the centerline of said 125 foot wide
26 Drainage Ditch the following courses and distances;

27 North 35 Deg. 41 Min. 44 Sec. West a distance of 45.19 feet to

1 a point for corner;

2 North 25 Deg. 16 Min. 34 Sec. West a distance of 172.86 feet
3 to a point for corner;

4 North 00 Deg. 19 Min. 34 Sec. West a distance of 133.04 feet
5 to a point for corner;

6 North 27 Deg. 08 Min. 27 Sec. West a distance of 215.90 feet
7 to a point for corner;

8 North 41 Deg. 50 Min. 08 Sec. West a distance of 162.93 feet
9 to a point for corner;

10 North 31 Deg. 44 Min. 51 Sec. West a distance of 53.37 feet to
11 a point for corner, to the PLACE OF BEGINNING, containing 11.435
12 acre tract of land, more or less.

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

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

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

27 (d) All requirements of the constitution and laws of this

H.B. No. 2668

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2668 was passed by the House on May 15, 2009, by the following vote: Yeas 143, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2668 on May 29, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2668 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor