

By: Ritter

H.B. No. 2668

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 9031. SMITH ROAD WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1 OF JEFFERSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9031.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

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

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

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

24 Sec. 9031.104. DIVISION OF DISTRICT. (a) The district may
25 be divided into two new districts only if the district:

26 (1) has no outstanding bonded debt; and

27 (2) is not imposing ad valorem taxes.

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

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

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

9 Sec. 9031.105. LIMITATION ON DISTRICT DISSOLUTION. (a)
10 Notwithstanding Section 43.0751, Local Government Code, or any
11 other general law, the district may not be dissolved before
12 December 31, 2019, unless the dissolution is approved by:

13 (1) the board; and

14 (2) the governing body of each municipality in whose
15 corporate limits or extraterritorial jurisdiction the district is
16 located.

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

18 [Sections 9031.106-9031.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

23 [Sections 9031.152-9031.200 reserved for expansion]

24 SUBCHAPTER E. BONDS

25 Sec. 9031.201. AUTHORITY TO ISSUE BONDS AND OTHER
26 OBLIGATIONS. (a) The district may issue bonds or other obligations
27 as provided by Chapters 49, 51, and 57, Water Code, and to finance

1 the construction, maintenance, or operation of projects under
2 Sections 9031.101, 9031.102, and 9031.103.

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

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

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

13 EXHIBIT "A"

14 LEGAL DESCRIPTION OF LAND:

15 Tract I:

16 BEING a 21.104 acre tract of land, being out of and a part of that
17 certain Louisiana Gas Development Corporation called 21.100 acre
18 tract of land more fully described and recorded in Clerk File No.
19 2005028881 of the Official Public Records of Jefferson County,
20 Texas. Said 21.104 acre tract being out of the T. & N. O. R. R. Co.
21 Survey, Abstract No. 261, of said County and State, and is more
22 particularly described as follows:

23 BEGINNING at a Concrete Monument found for the Easterly corner of
24 said Louisiana Gas Development Corporation called 21.100 acre tract
25 of land, same being the intersection of the Southwesterly right of
26 way line of Smith Road a public right of way and the Northwesterly
27 right of way line of Interstate Highway No. 10 a public right of

1 way;

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

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

20 THENCE North 41 Deg. 37 Min. 45 Sec. East along and with the
21 Northwesterly line of said Louisiana Gas Development Corporation
22 called 21.100 acre tract, same being a Southeast line of said
23 Louisiana Gas Development Corporation called residue of 501.76 acre
24 tract, a distance of 1130.75 feet to a 1-inch iron rod found for the
25 Northerly corner of said Louisiana Gas Development Corporation
26 called 21.100 acre tract, same being the most Northwesterly East
27 corner of said Louisiana Gas Development Corporation called residue

1 of 501.76 acre tract, same being in the Southwesterly right of way
2 line of said Smith Road;

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

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

14 Tract II:

15 BEING a 51.418 acre tract of land, being out of and a part of that
16 certain Louisiana Gas Development Corporation called 231.743 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 51.418 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 231.743 acre
24 tract, same being in the Northwesterly right of way line of said
25 Interstate Highway No. 10, same being the Southeasterly corner of
26 that certain Sherholders LP called 408.233 acre tract of land more
27 fully described in Clerk File No. 2003026036 of the Official Public

1 Records of said County and State, same being the Southerly corner of
2 said Louisiana Gas Development Corporation called residue of 501.76
3 acre tract;

4 THENCE North 20 Deg. 41 Min. 25 Sec. East along and with the
5 Westerly line of said Louisiana Gas Development Corporation called
6 231.743 acre tract, same being the Easterly line of said Louisiana
7 Gas Development Corporation called residue of 501.76 acre tract, a
8 distance of 2335.19 feet to a 1-inch iron rod found for an angle
9 point in the Westerly line of said Louisiana Gas Development
10 Corporation called 231.743 acre tract;

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

18 THENCE North 41 Deg. 37 Min. 05 Sec. East continuing along and with
19 the Westerly line of said Louisiana Gas Development Corporation
20 called 231.743 acre tract, same being the Easterly line of said
21 Louisiana Gas Development Corporation called residue of 501.76 acre
22 tract, a distance of 1999.86 feet to a 5/8-inch iron rod marked
23 "Leap Eng." set for the Northerly corner of the herein described
24 51.418 acre tract, same being the Southerly corner of a 180.238 acre
25 tract of land called tract III surveyed on the same date as the
26 herein described;

27 THENCE South 50 Deg. 10 Min. 20 Sec. East along and with the

1 Northeasterly line of said Louisiana Gas Development Corporation
2 called 231.743 acre tract, same being the Southwesterly line of
3 said Louisiana Gas Development Corporation called residue of 501.76
4 acre tract, a distance of 660.00 feet to a 1-inch iron rod found for
5 the Easterly corner of said Louisiana Gas Development Corporation
6 called 231.743 acre tract, same being in the Northwesterly right of
7 way line of said Interstate Highway No. 10;

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

14 Tract III:

15 BEING a 180.238 acre tract of land, being out of and a part of that
16 certain Louisiana Gas Development Corporation called 231.743 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 180.238 acre tract being out of the H. T. & N. O. R. R.
20 Co. Survey, Abstract No. 143, T. & N. O. R. R. Co. Survey, Abstract
21 No. 260, T. & N. O. R. R. Co. Survey, Abstract No. 261, George W.
22 Kidd Survey, Abstract No. 795, George W. Kidd Survey, Abstract No.
23 737, and S. D. Decordova Survey, Abstract No. 851 of said County and
24 State, and is more particularly described as follows:

25 BEGINNING at a 1-inch iron rod found for a Easterly corner of said
26 Louisiana Gas Development Corporation called 231.743 acre tract,
27 same being in the Southwesterly right of way line of said Smith

1 Road, same being in the Northerly line of said Louisiana Gas
2 Development Corporation called residue of 501.76 acre tract;
3 THENCE South 41 Deg. 38 Min. 21 Sec. West along and with a
4 Southeasterly line of said Louisiana Gas Development Corporation
5 called 231.743 acre tract, same being a Northeasterly line of said
6 Louisiana Gas Development Corporation called residue of 501.76 acre
7 tract, a distance of 2130.59 feet to a 1-inch iron rod found for an
8 ell corner of said Louisiana Gas Development Corporation called
9 231.743 acre tract;
10 THENCE South 50 Deg. 19 Min. 12 Sec. East along and with a
11 Northeasterly line of said Louisiana Gas Development Corporation
12 called 231.743 acre tract, same being a Southwesterly line of said
13 Louisiana Gas Development Corporation called residue of 501.76 acre
14 tract, a distance of 1150.80 feet to a 5/8-inch iron rod marked
15 "Leap Eng." set for a PC of a non tangent curve to the right;
16 THENCE along and with the curve to the right an arc distance of
17 272.42 feet with a radius of 363.39 feet with a chord bearing of
18 South 20 Deg. 10 Min. 36 Sec. West a chord distance of 266.09 feet to
19 a 1-inch iron rod found for an angle point of said Louisiana Gas
20 Development Corporation called 231.743 acre tract;
21 THENCE South 41 Deg. 37 Min. 05 Sec. West along and with a
22 Southeasterly line of said Louisiana Gas Development Corporation
23 called 231.743 acre tract, same being a Northwesterly line of said
24 Louisiana Gas Development Corporation called residue of 501.76 acre
25 tract, a distance of 1751.90 feet to a 5/8-inch iron rod marked
26 "Leap Eng." set for the Southerly corner of the herein described
27 180.238 acre tract, same being the Northerly corner of a 51.418 acre

1 tract of land called Tract II surveyed on the same day as the herein
2 described tract of land;

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

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

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

24 THENCE South 00 Deg. 15 Min. 31 Sec. East along and with a Easterly
25 line of said Louisiana Gas Development Corporation called 231.743
26 acre tract, same being a Westerly line of said Louisiana Gas
27 Development Corporation called residue of 501.76 acre tract, a

1 distance of 1074.17 feet to a 1-inch iron rod found for an ell
2 corner of said Louisiana Gas Development Corporation called 231.743
3 acre tract;

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

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

21 THENCE South 89 Deg. 58 Min. 03 Sec. West along and with a Southerly
22 line of said Louisiana Gas Development Corporation called 231.743
23 acre tract, same being the Northerly line of said Sherholders LP
24 called 408.233 acre tract, a distance of 2083.92 feet to a point for
25 corner marking a Southwesterly corner of said Louisiana Gas
26 Development Corporation called 231.743 acre tract, same being the
27 Northwesterly corner of said Sherholders LP called 408.233 acre

1 tract, same being in the Easterly line of that certain Sherholders
2 LP called 126.010 acre tract of land more fully described in Clerks
3 File No. 2003026036 of the Official Public Records of said County
4 and State;

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

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

20 THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a
21 Northwesterly line of said Louisiana Gas Development Corporation
22 called 231.743 acre tract, same being a Southeasterly line of said
23 Louisiana Gas Development Corporation called residue of 501.76 acre
24 tract, a distance of 2215.26 feet to a 1-inch iron rod found for an
25 ell corner of said Louisiana Gas Development Corporation called
26 231.743 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 231.745 acre tract, same being a Northeasterly line of said
3 Louisiana Gas Development Corporation called residue of 501.76 acre
4 tract, a distance of 829.98 feet to a 1-inch iron rod found a
5 Westerly corner of said Louisiana Gas Development Corporation
6 called 231.743 acre tract, same being a Northerly corner of said
7 Louisiana Gas Development Corporation called residue of 501.76 acre
8 tract, same being in the Southeasterly line of that certain D & R
9 Properties called 150.08 acre tract of land more fully described in
10 Clerk File No. 2005027161 of the Official Public Records of said
11 County and State;

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

23 THENCE South 50 Deg. 12 Min. 03 Sec. East along and with a
24 Northeasterly line of said Louisiana Gas Development Corporation
25 called 231.743 acre tract, same being the Southwesterly right of
26 way line of said Smith Road, a distance of 1057.06 feet to the PLACE
27 OF BEGINNING, containing 180.238 acres of land, more or less.

Attachment "B"

Surveyor's Field Note Description: 251.685 Acres

Tract I:

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

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

THENCE South 41 Deg. 37 Min. 00 Sec. West (Reference Bearing) along and with the Southeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being the Northwesterly right of way line of said Interstate Highway No. 10, a distance of 2999.99 feet to a 1-inch iron rod found for the Southerly corner of said Louisiana Gas Development Corporation called 248.917 acre

1 tract, same being an Easterly corner of that certain Louisiana Gas
2 Development Corporation called 231.743 acre tract of land more
3 fully described in Clerk File No. 2005028881 of the Official Public
4 Records of said County and State;

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

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

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

25 THENCE North 50 Deg. 19 Min. 12 Sec. West along and with a
26 Southwesterly line of said Louisiana Gas Development Corporation
27 called 248.917 acre tract, same being a Northeasterly line of said

1 Louisiana Gas Development Corporation called 231.743 acre tract, a
2 distance of 1150.80 feet to a 1-inch iron rod found for an ell
3 corner of said Louisiana Gas Development Corporation called 248.917
4 acre tract;

5 THENCE North 41 Deg. 36 Min. 48 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 2130.59 feet to a 1-inch iron rod found for the
10 Northerly corner of a said Louisiana Gas Development Corporation
11 called 248.917 acre tract, same being an Easterly corner of said
12 Louisiana Gas Development Corporation called 231.743 acre tract,
13 same being in the Southwesterly right of way of Smith Road a public
14 right of way;

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

23 THENCE South 41 Deg. 37 Min. 45 Sec. West along and with a
24 Southeasterly line of said Louisiana Gas Development Corporation
25 called 248.917 acre tract same being the Northwesterly line of said
26 Louisiana Gas Development Corporation called 21.100 acre tract, a
27 distance of 1130.75 feet to a 1-inch iron rod found for an ell

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

10 Tract II

11 BEING a 72.960 acre tract of land, being out of and a part of that
12 certain Louisiana Gas Development Corporation called 248.917 acre
13 tract of land more fully described and recorded in Clerk File No.
14 2005028881 of the Official Public Records of Jefferson County,
15 Texas. Said 72.960 acre tract being out of the H. T. & N. O. R. R.
16 Co. Survey, Abstract No. 143, of said County and State, and is more
17 particularly described as follows:

18 BEGINNING at a 1-inch iron rod found for the Southerly corner of
19 said Louisiana Gas Development Corporation called 248.917 acre
20 tract, same being the Southerly corner of said Louisiana Gas
21 Development Corporation called 231.743 acre tract, same being in
22 the Northwesterly right of way line of said Interstate Highway No.
23 10, same being an easterly corner of that certain Sherholders LP
24 called 408.233 acre tract of land more fully described in Clerk File
25 No. 2003026036 of the Official Public Records of said County and
26 State;

27 THENCE North 00 Deg. 14 Min. 54 Sec. West along and with a Westerly

1 line of said Louisiana Gas Development Corporation called 248.917
2 acre tract, same being a Easterly line of said Sherholders LP called
3 408.233 acre tract, a distance of 2722.72 feet to a 5/8-inch iron
4 rod marked "Leap Eng." set for a Westerly corner of said Louisiana
5 Gas Development Corporation called 248.917 acre tract, same being a
6 Southwesterly corner of said Louisiana Gas Development Corporation
7 called 231.743 acre tract;

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

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

21 THENCE North 89 Deg. 57 Min. 09 Sec. East along and with a Northerly
22 line of said Louisiana Gas Development Corporation called 248.917
23 acre tract, same being a Southerly line of said Louisiana Gas
24 Development Corporation called 231.743 acre tract, a distance of
25 1077.16 feet to a 5/8-inch iron rod marked "Leap Eng." set for an
26 angle point in said Louisiana Gas Development Corporation called
27 248.917 acre tract;

1 THENCE North 41 Deg. 35 Min. 30 Sec. East along and with a
2 Northwesterly line of said Louisiana Gas Development Corporation
3 called 248.917 acre tract, same being a Southeasterly line of said
4 Louisiana Gas Development Corporation called 231.743 acre tract, a
5 distance of 239.63 feet to a 1-inch iron rod found for an ell corner
6 of said Louisiana Gas Development Corporation called 248.917 acre
7 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 a Southwesterly line of said
11 Louisiana Gas Development Corporation called 231.743 acre tract, a
12 distance of 644.41 feet to a 5/8-inch iron rod marked "Leap Eng."
13 set for an Easterly corner of the herein described 72.960 acre
14 tract, same being a Westerly corner of a 101.623 acre tract of land
15 called Tract I surveyed on the same date as the herein described;

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

23 THENCE North 50 Deg. 10 Min. 15 Sec. West along and with a
24 Southwesterly line of said Louisiana Gas Development Corporation
25 called 248.917 acre tract, same being a Northeasterly line of said
26 Louisiana Gas Development Corporation called 231.743 acre tract, a
27 distance of 174.42 feet to a 1-inch iron rod found for and angle

1 point in said Louisiana Gas Development Corporation called 248.917
2 acre tract;

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

9 Tract III

10 BEING a 77.049 acre tract of land, being out of and a part of that
11 certain Louisiana Gas Development Corporation called 248.917 acre
12 tract of land more fully described and recorded in Clerk File No.
13 2005028881 of the Official Public Records of Jefferson County,
14 Texas. Said 77.049 acre tract being out of the T. & N. O. R. R. Co.
15 Survey, Abstract No. 260, George W. Kidd Survey, Abstract No. 795,
16 George W. Kidd Survey, Abstract No. 737, and the S.D. Decordova
17 Survey, Abstract No. 851, of said County and State, and is more
18 particularly described as follows:

19 BEGINNING at a 1-inch iron rod found for Northerly corner of said
20 Louisiana Gas Development Corporation called 248.917 acre tract,
21 same being in the Southeasterly line of that certain D & R
22 Properties called 150.80 acre tract of land more fully described in
23 Clerk File No. 2005027161 of the Official Public Records of said
24 County and State, same being a Westerly corner of said Louisiana Gas
25 Development Corporation called 231.743 acre tract;

26 THENCE South 50 Deg. 10 Min. 15 Sec. East along and with a
27 Northeasterly line of said Louisiana Gas Development Corporation

1 called 248.917 acre tract, same being a Southwesterly line of said
2 Louisiana Gas Development Corporation called 231.743 acre tract, a
3 distance of 829.98 feet to a 1-inch iron rod found for an ell corner
4 of said Louisiana Gas Development Corporation called 248.917 acre
5 tract;

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

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

24 THENCE North 00 Deg. 14 Min. 37 Sec. West along and with a Westerly
25 line of said Louisiana Gas Development Corporation called 248.917
26 acre tract, same being a Easterly line of said Sherholders LP called
27 126.010 acre tract, a distance of 551.55 feet to a 5/8-inch iron rod

1 marked "Leap Eng." set for a Northwesterly corner of said Louisiana
2 Gas Development Corporation called 248.917 acre tract, same being a
3 Southwesterly corner of that certain Will Crenshaw called 207.49
4 acre tract of land more fully described in Clerk File No. 2006021640
5 of the Official Public Records of said County and State;
6 THENCE South 89 Deg. 59 Min. 38 Sec. East along and with a Northerly
7 line of said Louisiana Gas Development Corporation called 248.917
8 acre tract, same being a Southerly line of said Will Crenshaw called
9 207.49 acre tract and that certain Louisiana Gas Development
10 Corporation called 11.449 acre tract of land more fully described
11 in Clerk File No. 2000015005 of the Official Public Records of said
12 County and State, a distance of 2480.80 feet to a 5/8-inch iron rod
13 marked "Leap Eng." set for an angle point in said Louisiana Gas
14 Development Corporation called 248.917 acre tract;
15 THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a
16 Northwesterly line of said Louisiana Gas Development Corporation
17 called 248.917 acre tract, same being a Southeasterly line of said
18 Louisiana Gas Development Corporation called 11.449 acre tract and
19 said D & R Properties called 150.80 acre tract, a distance of
20 2213.74 feet to the PLACE OF BEGINNING, containing 77.049 acres of
21 land, more or less.

22 Tract IV

23 BEING a 11.435 acre tract of land consisting of that certain
24 Louisiana Gas Development Corporation called 11.449 acre tract of
25 land more fully described in Clerk File No. 2000015005 of the
26 Official Public Records of Jefferson County, Texas. Said 11.435
27 acre tract being out of the T. & N. O. R. R. Co. Survey, Abstract No.

1 260 and the George W. Kidd Survey, Abstract No. 737 of said County
2 and State, and is more particularly described as follows:
3 BEGINNING at a 5/8-inch iron rod marked "Leap Eng." set for the
4 Northwest corner of said Louisiana Gas Development Corporation
5 called 11.449 acre tract, same being a Southerly corner of said Will
6 Crenshaw called 207.49 acre tract, same being in the centerline of
7 that certain 125 foot wide Drainage Easement more fully described
8 in Film Coded No. 102-77-1073 of the Official Public Records of said
9 County and State;
10 THENCE North 89 Deg. 36 Min. 28 Sec. East along and with the
11 Northerly line of said Louisiana Gas Development Corporation called
12 11.449 acre tract, same being a Southerly line of said Will Crenshaw
13 called 207.49 acre tract, a distance of 940.86 feet to a 1/2-inch
14 iron rod found for the Northeast corner of said Louisiana Gas
15 Development Corporation called 11.449 acre tract, same being a
16 Southerly Corner of said Will Crenshaw called 207.49 acre tract;
17 THENCE South 00 Deg. 19 Min. 45 Sec. East along and with the
18 Easterly line of said Louisiana Gas Development Corporation called
19 11.449 acre tract, same being a Westerly line of said Will Crenshaw
20 called 207.49 acre tract, a distance of 487.58 feet to a 1/2-inch
21 iron rod found for the Southeast Corner of said Louisiana Gas
22 Development Corporation called 11.449 acre tract, same being an
23 interior corner of said Will Crenshaw called 207.49 acre tract,
24 same being in a Northerly line of said Louisiana Gas Development
25 Corporation called 248.917 acre tract;
26 THENCE South 41 Deg. 36 Min. 48 Sec. West along and with a
27 Southeasterly line of said Louisiana Gas Development Corporation

1 called 11.449 acre tract, same being a Northerly line of said
2 Louisiana Gas Development Corporation called 248.917 acre tract, a
3 distance of 273.14 feet to a 1/2-inch iron rod found for the most
4 Southerly Southeast corner of said Louisiana Gas Development
5 Corporation called 11.449 acre tract, same being an angle point of
6 said Louisiana Gas Development Corporation called 248.917 acre
7 tract,

8 THENCE North 89 Deg. 59 Sec. 38 Min. West along and with the
9 Southerly line of said Louisiana Gas Development Corporation called
10 11.449 acre tract, same being a northerly line of said Louisiana Gas
11 Development Corporation called 207.917 acre tract, a distance of
12 426.05 feet to a 5/8-inch iron rod marked "Leap Eng." set for the
13 Southwest Corner of said Louisiana Gas Development Corporation
14 called 11.449 acre tract, same being in a Northerly line of said
15 Louisiana Gas Development Corporation called 207.917 acre tract,
16 same being in the Centerline of said 125 foot wide Drainage
17 Easement;

18 THENCE in a Northerly direction along and with the Westerly line of
19 said Louisiana Gas Development Corporation called 11.449 acre
20 tract, same being a Easterly line of said Will Crenshaw called
21 207.49 acre tract same being the centerline of said 125 foot wide
22 Drainage Ditch the following courses and distances;

23 North 35 Deg. 41 Min. 44 Sec. West a distance of 45.19 feet to
24 a point for corner;

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

27 North 00 Deg. 19 Min. 34 Sec. West a distance of 133.04 feet

1 to a point for corner;

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

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

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

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

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

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

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

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